Submitted by Neville Shack, to the University of Exeter as a thesis for the degree of Doctor of Philosophy in History, February, 2019.

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'The fact that the House of Lords has many irrational features is not in itself fatal in British eyes, for we have a considerable capacity for making the irrational work; and if a thing works we tend rather to like it, or at any rate to put up with it.'

--- Herbert Morrison.  

ABSTRACT

This study in parliamentary history evaluates the standing of the House of Lords, its political culture and its internal composition and attitudes in the run-up to the introduction of life peers in 1958. The period in question demands scrutiny because of prevailing assumptions (then and subsequently) that the Lords was moribund, even endangered, as a body. There was a challenge facing peers and reform advocates as they tried to build on the Lords' 'irrational' tendencies.

Compared to the monarchy, enjoying renewed kudos, the Lords had lacked a secure grounding since the 1911 Parliament Act curbed its veto powers. The aim of changing its hereditary make-up had not materialised because of a lack of consensus, both within the Conservative Party and between the Conservatives and Labour. This running controversy was symptomatic of how, in places, the British Constitution was highly politicised. Yet, the Lords had already been demonstrating its deliberative role, specifically on moral questions, such as capital punishment and wider penal policy.

During the 1950s, the Lords mounted several major debates in this vein, on legalising homosexuality, conservation, the introduction of commercial television and the relaxation of gambling laws. How the Upper House responded to the Suez episode was also indicative of its senatorial guise. The pressures for and against modernisation within the Lords are of specific interest. Although attendance was low, many of the speakers had both experience and expertise, which offered valuable reflections on policy. The cast of these attitudes was high-minded and often independent.

The 1958 reform appeared at the time to be a modest measure. Yet, in the perspective of the following six decades, it has proven to be a constitutional landmark, helping to transform the identity of the Upper House as a more 'professional', less aristocratic chamber, increasingly divorced from its traditional aristocratic membership.

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ACCOMPANYING MATERIAL

An original website, specially created to link with this thesis, contains a biographical database of the individual peers who form the cohort behind this research: https://peerdatabase.wordpress.com There is also a list of MPs in the 1955 Parliament with family connections to the Lords. Also, collated lists of individual peers and their total attendance records, in the two parliamentary sessions of 1951-1952 and 1955-1956. This personal database, covering each individual’s background, allows for a more detailed understanding of the human composition of the Lords. (The place of publication for all books cited in the footnotes is London, unless specified otherwise.)

INTRODUCTION:

The title of this thesis – with its epigraph, ‘Making the Irrational Work’, drawn from a constitutional text in the 1950s -- describes the particular challenge faced by the House of Lords during the run-up to the introduction of life peerages in 1958. On the surface, the Lords’ legacy from the past made for a strange mixture of reduced powers and vestigial authority as a deliberative body -- as well as reflecting the view of the British Constitution’s non-systematic, even improvisatory, nature. The historical development of the Lords in the post-1911 period registers as a major feature in the background to this analysis.

Following the advent of universal suffrage, Parliament enjoyed a solid, largely unquestioned esteem; the House of Lords remained an integral part of the constitution, particularly as a chamber of debate and deliberation. All this lay within
what Linda Colley has described as Britons’ ‘positive cult of their constitution’, also
signifying a national (Whiggish) pride. ² But, at the start of a ‘New Elizabethan’ age,
with a renewal of a ‘dignified’ monarchy, the outward appearance of the Lords
masked a deeper sense of unease.³

While the House of Commons was broadly regarded as pivotal to the
political process, the Lords – because of its non-elected, hereditary make-up and
sparse attendance -- did not seem assured of its constitutional role. For many, it was
little more than an outdated appendix to the democratically-based chamber, with
ermine adornments and mainly empty spaces on its benches. However, in a
contradictory manner, the Upper House also showed that its position in the state
revolved around more than ornamentalism. Although the powers of the Lords had
been scaled down --the legislative veto, specifically identified and curbed in both
Parliament Acts (1911 and 1949) -- the practice of peers being able to speak out
endured, allowing personal gravitas and prestige to be harnessed in an argument.

By looking at how mid-century scholars and columnists, textbook authors and
concerned peers visualised the Upper House, the perceived deficiencies become
absorbed into a bigger argument over what it should or should not be doing, as well
as who or what it might be representing. Diagnoses of the Lords’ condition in the
mid-twentieth century fluctuated, and ideas about how to put it right, or, instead,
leave it alone, hardly showed a consensus. Caricaturists and abolitionists held an

³ Queen Elizabeth’s Coronation, in 1953, gave an aura to the British polity; the highly popular
televised event was received – grandiloquently --as an ‘act of national communion’. Edward Shils and
Michael Young, ‘The Meaning of the Coronation’ (orig. 1953). Reprinted in Shils, Center and
Periphery: Essays in Macrosociology (Chicago, 1975), p.139. Looking back, much later in the
Queen’s reign, Ben Pimlott broadly accepted that view, judging that there was more than ‘mere
unpitying view of its likely demise; some parliamentarians, constitutional scholars and press commentators subscribed to plans for emergency surgery, while others were pragmatically indifferent, or believed the Upper House to be resilient enough in the circumstances.

Commentary on the composition and purpose of the Upper House had long been a feature of British public life, and itself formed a stream of informal constitutional discourse. Specific discussions about how to reform the Lords were linked to scrutiny of its make-up, role and rationale. This thesis attempts to follow the broad lines of such concerns, assessing the place of the Lords and its political culture in the polity of the 1950s – starting with a survey of the membership of this body, based, as it was, on hereditary right and nomination or patronage. Such a study of a series of collective biographical details can point to some of the values which were given official and unofficial acknowledgement – above all, how aristocratic and ‘meritocratic’ notions of public duty found expression through the Upper House.  

There has been a very limited historical understanding of the Lords’ composition and performance in this period. The supposedly low attendance figures and drastic numerical imbalance between the two main parties have led to an impression of a parliamentary chamber in the doldrums during its pre-life peerage phase. Donald Shell has written: ‘The House of Lords reached its lowest ebb in the post war period in the mid 1950s’. And an official historical overview, published in 2007, described the Lords five decades earlier as ‘a moribund institution’.  

retrospectively about that very period – and with greater confidence in the renewed status of the Lords since then – Lord Hailsham lamented that the ‘average daily attendance was about fifty, which was far too low to enable the House to perform its proper function’.  

However, the reality was not quite so bleak – and, anyway, patronage appointments could possibly be seen as giving rise to an opposite problem. The Liberal sceptic, Ramsay Muir had previously been concerned that ‘in a dozen years we should have a House of Lords of 1000 members; and if the House lasts for another century, it will have to hold its meetings in the Albert Hall.’ During one of the several debates dealing with reform of the Lords, the Liberal leader there, Viscount Samuel spoke of the dangers of the House being unwieldy if every peer were to attend. This reflection may have seemed like a paradox at the time, but had a practical significance: ‘in fact, the working of the House is made possible only by the absenteeism of a large number of members, and we should be grateful to those who grace the meetings of this House by their absence.’ But part of Samuel’s zeal for reform was grounded nonetheless in an awareness of the hazards brought by the chamber’s existing composition, how – because or despite being, at this stage, a sprightly eighty-three-year-old himself – the Lords might ‘degenerate into a senate of old men’, becoming ‘a sort of asylum for octogenarians.

Despite a common view that the House was quiescent compared with the Commons, this neither negated it in constitutional terms nor blanketed over any political struggle. The Upper House bears out John Dearlove’s general argument that

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9 HL Deb 25.11.1952 Vol.179 col.524
10 Ibid., col.526.
a constitution might be the ‘focal point for fundamental conflicts and ... subject to change as particular interests seek to reshape the rules of the political game (that is, the constitution itself) to their advantage. Put another way, all constitutions are political constitutions’. 11

Just as a revived Upper House did not supplant a ‘moribund’ chamber overnight, so the basis for it had been gradually taking shape in the years prior to 1958. Nine decades before the introduction of life peerages, Walter Bagehot – uncomfortable with the franchise reform that gradually enabled democratic politics in the United Kingdom – sketched out the character and rationale of a second chamber of Parliament, intrinsically different from the House of Commons:

An assembly in which the mass of the members have nothing to lose, where most have nothing to gain, where every one has a social position firmly fixed, where no one has a constituency, where hardly any one cares for the minister of the day, is the very assembly in which to look for, from which to expect, independent criticism.12

Bagehot’s idea, together with his advocacy of life peerages, was not fanciful. The constitutional and political terrain behind it corresponds to the scope of the thesis presented here. Whether the active peers are the traditional aristocracy, as in the 1860s, or, later, a distinguished ‘professional’ class, their detached stance is essential. In the early-twentieth century, the constitutional writer, Sidney Low described the Lords as a ‘ventilating Chamber’ which, unlike the Commons with its more onerous schedule, enjoys the ‘licence of unrestricted discussion’.13 This feature lent itself to a

13 Sidney Low, The Governance of England (1914; orig., 1904), pp. 248, 249. The veteran Labour peer, Lord Pethick-Lawrence celebrated the Lords, in 1953, for the leisure available to discuss broader topics than those taken up in the Commons – notably, the ‘ventilating of questions which are on the border-line between pious aspirations and practical politics’. Lord Pethick-Lawrence, ‘Legislative and Deliberative Functions’. In Sydney Bailey (ed.), The Future of the House of Lords:
particular aspect of policy debate, over issues of personal conscience, and the development of what can be called an informal ‘moral parliament’. The oratorical domain of a high-minded and professionalized elite was officially recognized, and linked to thinking about how the Lords might be reformed, in Viscount Bryce’s report in 1918. Given the reduced powers of the Upper House, Bryce stressed its ‘moral authority’—which he defined as the ‘influence exerted on the mind of the nation which comes from the intellectual authority of the persons who compose the Chamber, from their experience, from their record in public life and from the respect which their characters and their experience inspire.’

Above all, a view of the Lords as a purely abstract case-study in the virtues of bicameralism would be one-dimensional. Instead, the relationship between the bicameral concept and the historical reality of the Upper House persists from John Stuart Mill’s attempts to square them in his treatise, *Considerations on Representative Government*, in 1861: ‘If one House represents popular feeling, the other should represent personal merit, tested and guaranteed by actual public service, and fortified by practical experience. If one is the People's Chamber, the other should be the Chamber of Statesmen; a council composed of all living public men who have passed through important political offices or employments’. Mill then conceded that his projection of a senatorial body is simply an ideal, and that ‘any Second Chamber which could possibly exist would have to be built on the foundation of the House of Lords’.

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16 Ibid. pp.245-246.
Throughout all discussions of the future of the House of Lords, this dichotomy is striking -- between classical constitutional form and historical fact, shot through with preconceptions about economic and social class. Post-feudal imagery and its surrounding traditionalism do weigh heavily on the debate: a hangover, but with diminishing force, from the earlier period (the late-nineteenth and early-twentieth centuries) -- covered by Antony Taylor’s study, *Lords of Misrule* -- when anti-aristocratic sentiment ‘paved the way for a radical critique of privileged society grounded in aristocracy’s traditional legislative and political role’. 17

Across the course of subsequent generations, the bid to maintain a traditional Upper House touched on both transcendental and mundane factors in the constitutional realm. How, if at all, should the House of Lords be modified or remoulded in a bicameral system? To what extent did its deliberative function and its actual membership guarantee that it would be a senatorial body, or a residue of hereditary privilege?

While some Conservatives, such as, most notably, the 5th Marquess of Salisbury (known familiarly by his nickname, ‘Bobbety’), demanded its urgent reform, others either preferred to leave it untouched or were sceptical about constitutional reform *per se*. An indication of this more passive attitude can be found in the party promotional booklet, by the future minister, John Boyd-Carpenter, at the time of the 1950 general election. His polemical message contained familiar tropes; the heading (in capital letters), RESPECT FOR THE PAST placed the emphasis in regard to constitutional arrangements on ‘experience’ rather than ‘reason’. The House of Lords is highlighted as an ‘excellent example’ of this characteristic. Boyd-Carpenter admitted that no one would set out deliberately to create a model of the Lords on its

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current hereditary basis and with a small proportion of its membership actively involved. Yet, in his view, the Lords ‘works admirably’ -- ‘Its debates are authoritative, its active membership respected, and its unpaid work of immense value’-- comparing it with the ‘frivolous ineptitude’ of the Senate of the French Third Republic.  

We shall see, in detail, how the question of reforming the House of Lords remained a live topic on the political agenda -- often in spite of the preferences of many politicians themselves, and in a period when constitutional reform as a whole did not feature as a high priority. Ministerial attention was mostly directed to policy issues of greater popular concern: the economy, industrial relations, housing and foreign policy. The Lords did conduct discussions over these policy areas. However, analysis of debates and voting divisions in the Upper House shows that there were more interesting, even sometimes surprising, ideological fault-lines and variations in opinion -- most notably, over themes relating to the Suez invasion in 1956, the ending of the BBC’s television monopoly, and issues of conscience, such as capital punishment and homosexuality law reform. Meanwhile, elements in the Lords’ membership asserted strong opposition to ‘modernizing’ schemes which were seen to represent a threat to the national heritage.

Signs of dissent on the red benches might express unease over change in the wider world, or the perceived direction of the political nation at large. Conservative governments were discomfited by this outer flank, broadly traditionalist and, for the most part, individual, not the product of pressure groups or party factions. A view of the Lords as being simply an outpost of the Conservative Party -- in the constitutional scholar, Ivor Jennings’, description -- demands closer scrutiny.  

What Bagehot referred to as 'a political pulpit' with 'select preachers' remained a chamber with its own rarefied atmosphere, predominantly upper-class, yet also gradually transfused by retired professional politicians and other nominees whose public service had marked them out for patronage – a species of proto-life peers, with 'meritocratic' rather than aristocratic credentials. 20 Even when the Lords did exhibit a caricaturable reactionary profile, it by no means excluded more moderate views being expressed. However, there was a very limited representation in the chamber of authoritative or systematically progressive views. It was individualist dissent, whether conservative or liberal in emphasis, which cut across the loyalist pattern.

The core of regular attenders in the Lords, with parliamentary experience and the required stamina for prolonged debate, consisted primarily of seasoned politicians, on both government and opposition sides. Certain key debates were enhanced by the participation of 'expert' and authoritative speakers, who put forward their personal claims based on public service – asserting themselves in a manner which most members of the Commons could not match.

In the 1950s, the very defects of the House, both perceived and real -- sparse attendance, doubts over the hereditary principle and the inbuilt Conservative preponderance -- revolved around its membership. For the historian, Sir Keith Feiling, writing in 1953, the year of the Coronation, the notion of inheritance was essential to any ideological understanding of Conservatism: ‘Whatever strengthens

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inheritance must receive welcome in a conservative mind. It is therefore not surprising to find the emphasis which it lays on the plain channels through which inheritance must flow.’ 21

This lingering faith in the hereditary principle helped to underpin the nominal Conservative hegemony in the Lords despite the eclipse of aristocratic political power and the introduction of life peerages. But the slowly shifting political culture within the Upper House, its ‘meritocratic’ tilt and the needs of more open and balanced party representation, would later have transformative effects – not least, making the hereditary principle unsustainable in everyday politics and so dispelling what in the 1950s could still be regarded as the ‘birthright’ character of a predominantly Conservative chamber.

How the Lords appeared in a mass democracy could have a bearing on the need to reshape it; the aspect of individual peers, and how they were seen, did make an atmospheric difference. The introduction of life peerages proved a constructive measure, the basis for bicameral durability. In default of a more radical plan to overhaul or reconstruct a second chamber, the 1958 Act served to reinvigorate it constitutionally.

The existing historiographical treatments, however illuminating and well-argued, have tended either to occupy slightly earlier phases in the twentieth century and/or to focus on one section of interest, mainly that of Lords reform. This makes for a diffuse range of scholarship. There have been several informative studies dealing with aspects of the Lords in the earlier period, which encourage a

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renewed interpretation of parliamentary history over a longer time-scale. Attempts to cover Lords reform proposals have been useful in detailing how elaborate schemes and the imperatives of statecraft were set on a collision course. Yet such a narrative and analytical approach can fail to depict the canvas beyond the preoccupations of a small number of constitutional-minded zealots.

Paradoxically, the ongoing question of how to reform the Lords has so absorbed the limited historiography that the actual make-up, the political culture and performance of the chamber have been neglected. There is a danger that the Lords' historical significance in this particular period can be skewed. This thesis proposes a unified approach to the material, leading to an interpretation which sees the Lords in this period in both constitutional and political terms, as well as through its personal composition; an objective is the interplay between these ways of understanding the parliamentary body.

This work is grounded -- inevitably -- in the 'high political' sphere, formally part of the British Constitution, or along -- in Alex Windscheffel's phrase -- the 'hermetic corridors' of Westminster and Whitehall. (A variant on this is Susan Pedersen's observation on 'high political' historiography as 'an enclosed and rule-


23 The main works in recent years have centred on reform: Chris Ballinger, House of Lords: A Century of Non-Reform, 1911-2011 (2014). Also, the valuable compendium of contemporary documents dealing with this singular question: Peter Raina, House of Lords Reform: A History, in four volumes, with a narrative running to 2014. The second volume, 1943-1958: Hopes Rekindled (Bern, 2013) is most pertinent here.

bound game’.) The nature of the polity, more so than any hierarchical bias, locates it there: a House of Lords without a popular mandate and removed from mass democracy; the language and the very terms of the Westminster debate owe more to lordly preoccupations than to populism. Such constitutionalism has as its currency non-representative politics – or, in Susan Pedersen’s view, ‘a genre that we might call the history of political leadership, whether it takes the form of political biography (a uniquely powerful and popular British genre) or of studies of political parties and government’.  

This approach to political history accommodates ‘high politics’ in a spirit rising above sectional scholarship and polemical disputes about ‘high’ and ‘low’ perspectives. David Craig has brought stringency to the longstanding dichotomy of ‘high’ and ‘low’ politics – with the conclusion that differing approaches to this area of history share common methods, though they might select diverse parts of the subject-matter, say, parliamentary or grassroots topics for investigation. Craig argues: ‘Hopefully, it may soon be recognized both that ‘new political history’ is not altogether new, and that ‘high politics’ need not always be high.’ 

Maurice Cowling, the foremost figure associated with the ‘high politics’ treatment, conceded that there was a difficulty, notably a lack of coherence, where historians made this kind of projection onto and deduction from the minds of politicians: ‘The study of politics at the top is … not a simple matter. One is dealing with a problematical, high-level activity where the meaning of the material is not self-evident. At the core of each politician there was temperament which impregnated

26 Ibid., p.39. Pedersen’s warning about the hazard of parochial interpretation (p.38) is salutary.
27 David M. Craig, ‘‘High Politics’ and The ‘New Political History’’. The Historical Journal 53.2 (June, 2010), p.475.
everything he did’.  

As parliamentarians, non-ministerial peers spoke, principally for themselves. On that level, mainly detached from a focus on electoral politics and the ties of party organization, this thesis attempts to interpret the participants at Westminster in terms of their own political culture. As the political philosopher, Michael Walzer argues; the various levels of the state, human and symbolic, are best regarded in an integral whole: ‘The state is invisible; it must be personified before it can be seen, symbolized before it can be loved, imagined before it can be conceived’.  

Andrew Adonis’ study of the Lords during its last period of constitutional assertiveness in relation to the Commons, before 1914, addressed what he saw as an historiographical gap, where ‘Parliament is the place upon which parties, élites, and interests converge, but where no one congregates’. In that specific sense, Adonis’ belief that peers’ special identity came from their ‘parliamentary personality’ is germane here, as well as an emphasis on the ‘congregating’ tendency.

If it is accepted that Parliaments are ‘the sum of their members’, then the human component reflects an essential area of political history. In this respect, the mentor behind the ‘History of Parliament’ project, Lewis Namier, offers a partial understanding of the human factor as a building-block for interpretation, though it is necessary here not to see parliamentary behaviour as being excessively conditioned by personality at the expense of principle or ideology. Namier examined the composition of Georgian Parliaments, writing of ‘the disturbing element of personal connections’, ‘always
present in politics'; 'the game is played by groups, and human ties continually cut across and confound the logic of social and political alignments'. 33

Namier’s idea of the eighteenth-century House of Commons as ‘that marvellous microcosmos of English social and political life, that extraordinary club’, might evoke a more colourful picture for historical analysis than the counterpart of the Lords in the mid-twentieth century. 34 (His own focus on the Commons did not actually extend to the Lords.) Yet the make-up of the Upper House in a later context demands close scrutiny, nonetheless. It was a parliamentary body in transition, and the qualifications or attributes of its members were looked at as part of the background subject-matter by those considering how to reform it. Residues of both kinship and ‘interest’ within a hereditary establishment did not disappear altogether; a traditional-minded atmosphere remained pervasive in some fundamental respects. But membership which was increasingly based on a post-feudal ethos, what might be called the entitlement of individual merit, co-existed with a paternalistic sense of duty.

The most pointed challenge to Namier’s historical disposition, not necessarily at odds with the ‘high political’ bias, came from his sometime university colleague, A.J. P. Taylor, in a blunt reaction: ‘I couldn’t help reflecting that a History of Parliament existed already, at least for more modern times. We call it Hansard… No doubt the accumulated biographies of members will be of much interest to the social historian -- and perhaps even explain some intrigues for office. But the history of parliament is to be found in what members heard and said, in what they felt, not in what they were’. 35 For Taylor, the Namierite method resulted in ‘a political system with the ideas and principles left out’; the outcome, ‘not history’, but ‘at best raw

material for history’. Nevertheless, raw data of this type, relating to the personal backgrounds and formal characteristics of parliamentarians can be used to comprehend the mentality, inclinations and attitudes, throughout this thesis, of peers in the 1950s. However, it is important to emphasize the limitations on extrapolating from personal information. Namier’s claims on behalf of a larger-scale analysis of social structure, as grounded in the prosopography of (often obscure) MPs, are prone to being overstated; the argument, involving issues of personal motivation and material self-interest, can be tendentious in the writing of history.  

Lawrence Stone envisaged an approach, in the footsteps of Namier, as a bridge between institutional history and biography. One purpose behind it would be ‘to demonstrate the cohesive strength of the group in question, bound together by common blood, background, education, and economic interests, to say nothing of prejudices, ideals, and ideology.’ These categories are useful in a loose sense for assessing areas of the Lords at this particular stage. But any bonds which linked peers did not make for uniformity: some of the sentiments voiced in debate were too idiosyncratic.

Pace Namier, there is an alternative way to develop a less rigid and formulaic view of the people involved. Their role within a parliamentary forum was primarily dedicated to debates on policy, not the channelling of private material interests or the executing of any specific policy, corresponding to what Cowling alleged was a ‘typecast’ view of ‘high politics’ held by some historians as ‘Namierite venality’. 

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37 The historiographical critique of Namier can be swingeing: ‘His technique of structural analysis inevitably ended in elevating personal ambition, petty intrigue and family connections above political principles, public opinion, or party ideology. Namier overemphasizes self-interest as the prime motivating factor in human action and sees all ideas as mere rationalization of selfish conduct.’ E. Sreedharan, A Textbook of Historiography, 500 B.C. to A.D. 2000 (New Delhi, 2004). p.245.
38 Lawrence Stone, ‘Prosopography’, Daedalus Vol. 100: 1, (Winter, 1971), pp.73, 47.
What members of the Lords ‘heard and said’ can be comprehended historically in connection with ‘what they were’; there is no methodological monopoly. As with the general frame for interpreting political history, the tool-kit here consists of both biographical data and the parliamentary records of *Hansard (Fifth Series)*. These provide complementary and, hopefully, illuminating sources for evaluation. Personal enthusiasms and beliefs weigh more heavily than any vested interests. The ambitiousness of peers who were generally of an advanced age was not a significant factor; likewise, material interest, except for the vestiges of an aristocratic landed property class.

Yet, ‘parliamentary personality’ was far from negligible: the magisterial, senatorial and oracular tendencies of peers in Parliament frequently came into play. In the construction of a political history which notes the language and, indeed, the tone and style of parliamentarians, Richard Toye has demonstrated how the climate of the legislature might be understood. 40 A relaxed, gentlemanly style of conducting business certainly held in the House of Lords. It was – and continues to be – pervasive, and intrinsic to what Peter Hennessy has, more recently, identified as proceedings along the lines of ‘a conversation-cum-seminar, where courtesy is used as a weapon’ in oratorical exchange on the floor of the House. 41 In the 1950s, Lord Pethick-Lawrence not only highlighted the ‘lesser acrimoniousness’ of the Lords, compared to the Commons, but gave a fair rendering of the pattern of civility during a

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41 Peter Hennessy, ‘On Joining the Constitution’. *Political Quarterly*, 82:2 (April-June 2011), p.165. That perennial quality was emphasized in a twenty-first century survey of the Lords through a social anthropological prism. ‘Some find the politesse hypocritical and suffocating; some relish its courtly elegance; the majority recognise that the courtesy is beneficial in many ways to the business of the House, and even those who find it excessive go along with it so as not to jeopardise their own future support’. Emma Crewe, *Lords of Parliament: Manners, Rituals and Politics* (Manchester, 2005), p.19.
debate, where each peer acknowledges the previous speaker.  

The structure of this research project is built around three main sections, which together comprise a singular subject in the history of Parliament in the mid-twentieth century: the profile and politics of the House of Lords. Each of these sections offers a view of different, but overlapping, themes. The first looks at the detailed composition of the Lords, the individual peers who actually sat there, or were entitled to do so. In the spirit of Lewis Namier: 'When asked about what was entailed in ‘Namierizing history’, ‘Namier would laugh and reply, “It means finding out who the guys were”.’  

The second section is situated mainly within the chamber itself. The need for a marked distinction between the Lords and the Commons was recognized by Ivor Jennings, in 1957. Above all, the Lords was ‘an assembly for the debate of the less technical and, in the party sense, less ‘political’ issues of government’. Jennings also recognized that the Lords’ debates, compared to the Commons’, might sound ‘more interesting because the speakers start from the same premises and argue within the sphere thus confined. In the Commons, on the other hand, differences are more often due to divergencies about fundamentals’. The virtues and advantages, as well as the drawbacks, of the respective parts of the legislature inform much of the total commentary. A close analysis of the Commons has led Richard Toye to conclude that there was a historical ‘shift there from a discursive to a programmatic view of statecraft’ in the first half of the twentieth century. Yet, on the other hand – and it is a contention here -- a different case can be made for the Lords, still very
much grounded in a deliberative method of debate, exemplifying how the ‘discursive’ approach survived, in fact.

By looking closely at the subject-matter of some of these debates, ranging from capital punishment to homosexuality, the strong advocacy behind conservationism, Suez and opposition to the introduction of commercial television, the texture of discussion enables us to understand how the Lords, caught up in the cross-currents of traditionalism and modernization constructed its rationale within the existing constitutional arrangements.

The third section deals with the long gestation of Lords reform after the initial change in the balance between Lords and Commons in 1911. The biggest conundrum facing all reform proposals was how to reconcile a remodelled Upper House with the direct popular mandate of the Commons. J.H.B. Masterman had summed up this problem in the aftermath of the 1911 Parliament Act: ‘The real difficulty is to devise a Second Chamber efficient and independent enough to act as a check on hasty or ill-considered legislation, and yet not strong enough to exercise the sense of responsibility of the House of Commons.’ 47

During Conservative rule in the 1950s, the moves towards reconstituting the Lords were closely associated with the longstanding leader of the chamber, Lord Salisbury, though he did not oversee the eventual measure. Questions of statecraft, the political feasibility of reform and how it was handled, persisted throughout this extensive process. In the immediate post-war period, the constitutional writer and former minister, L.S. Amery made a spirited plea for invigorating the House of Lords

as a counterweight to the Commons: ‘The greater the danger of the House of Commons increasingly consisting of representatives subservient to their electors or to the party machine, the more essential is it that the House of Lords should be representative in the wider sense, of embodying the typical characteristics of the nation, its individuality, its independence, its broad tolerance and love of compromise’. 48 Both Amery and Salisbury saw the dangers facing the sustainability of the Upper House, each of them trying to establish a doctrinal and working basis for its future. For Salisbury, particularly, a notion of a Council of State, rising above the fray of party politics, gave the Lords its significance and justification. 49 On another level, besides occasional press and academic commentary, the status and performance of the Lords tended to be immaterial to the political nation at large.

Given that the two mainstays of this thesis are prosopography and ‘opinion’, the sources used in research encompass both published and archival materials. Information about the personal backgrounds of peers has been collated from reference works, including *Who’s Who*, the *Dictionary of National Biography*, *Dod’s Parliamentary Companion*, the *London Gazette*, the *Journal of the House of Lords*, *Debrett’s*, *Burke’s Peerage*, the *Dictionary of Business Biography*, as well as newspaper obituaries. Taking a synoptic cue from both Namier and A.J.P. Taylor, biographical data are not exclusive of the record of parliamentary debates, in *Hansard*. The ‘raw data’ in question form an information base which often derives from the subjects themselves, and therefore its independent standing and verifiability are qualified. The sets of details known about individuals vary considerably: some are quite full, with biographical records illustrating their lives; others leaving much sparser residues. Yet these factual or biographical details do allow us to draw collective

49 Salisbury told the Lords: ‘I have always believed that this House should, as far as possible, act as a Council of State’. *HL Deb* 01 July 1954 Vol.188 col.408.
outlines and make assessments of the membership of the Lords.

These primary sources were published during the period covered; official records, chiefly Cabinet papers at the National Archives, offer an extensive trail of relevant documentation, some of which reflects back, from a different angle, the germane policy context of the period, with a bearing on the position of the Lords in its historical development. There are further official papers of relevance (particularly those of the Leader of the House of Lords) which are available in the Parliamentary Archives. Most collections of personal papers belonging to individual politicians of the period, including those of Harold Macmillan, R.A. Butler, and Lord Woolton yield little in terms of specific insights into the subject of the House of Lords, beyond what is duplicated from official sources. The exception to this rule is the personal collection of the 5th Marquess of Salisbury, in the family archive at Hatfield House. In his case, there are some scattered additions to the primary record, through personal correspondence on the question of the Upper House.

*The Times*, as a newspaper ‘of record’, had developed the authoritative obituary form under the editorship of John Delane in the nineteenth century, based on public recognition of the particular individual. Most peers, until the 1980s, were featured, to greater or lesser extent in column inches: a sign of what Judith Butler has called ‘noteworthy’ and ‘publicly grievable’ lives. 50 Throughout, all peers had an automatic right to inclusion in *Who’s Who*. For invaluable background information and a view of contemporary opinion, national newspapers and periodicals have been consulted; the memoirs of several politicians and various other peers have also served as revealing primary sources.

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The details that are accessible through the various published sources include birth dates, dates of succession/elevation dates to the Lords, title ranking, education, relevant military and other careers, such as previous membership of the Commons and active administrative or commercial roles, family connections (in some cases) and membership of particular gentlemen’s clubs -- all taken here as ‘markers’ of peerage status and social identity. Although the biographical details are sometimes sketchy, they constitute a valuable resource for the historian who is constructing a database from the published record for a set group of parliamentarians and attempting to understand overall personal characteristics.

Some of the ‘raw’ biographical data derives from the subjects themselves, and therefore its independent standing and verifiability are qualified. The sets of details known about individuals vary considerably: some are quite full; others leaving far less detail about relevant achievements in the public realm. In this period, there was no mandatory declaration, nor any official register of interests, either financial or non-financial. Therefore, lists of company directorships, say, cannot be accepted as definitive; some peers recorded approximate ownership of land acreage, while others did not do so at all. Meanwhile, the newspaper obituary varied in terms of personal insight, and occasionally carried highly subjective judgements.  

The approach to biographical sources in this thesis does not prescribe a deterministic method of comprehending the mainspring behind the opinions of peers,  

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51 A view of The Times’ approach to obituaries concludes: ‘As ‘top people’ read the paper, in the words of its exclusive slogan [according to the marketing idiom of the following decade], so top people organized obituaries of other top people for its obituaries column’. And, stylistically, the column itself was written in ‘formal mandarin’, a code of communication familiar mainly to a specific elite of readers, i.e., a rarefied social, educational or administrative stratum. James Fergusson, ‘Death and the Press’, in Stephen.Glover (ed.), The Penguin Book of Journalism: Secrets of the Press (2000), pp.152,153.
as expressed in the Lords’ chamber; neither do old-fashioned ‘interest politics’
generally apply, in the sense of personal views stemming directly from the
straightforward pursuit of private or group advantage – though there are discernibly
strong enthusiasms and convictions at play.

Before the arrival of life peers, the Lords’ character and make-up as a
parliamentary forum was not settled, neither consistently senatorial nor in a strict
party political mould like the Commons. Its underlying development, the evolutionary
process, can be traced earlier than the minimalist but significant 1958 reform, which
appeared as a tidying-up of a few of the constitution’s loose ends, an operational
improvement, a way in which ‘irrational’ elements could be made to work better. The
ambit of this thesis concerns the period leading to the Life Peerages Act, rather than
the consequences of it and the wider changes wrought in the Lords’ role – for example,
the expansion of its scrutiny of legislation and policy through the select committee
system.

The 1958 reform would have profound and lasting effects, essentially
refashioning the Upper House and reflecting the entrance credentials of personal merit
more broadly. It also allowed for the process of further incremental, piecemeal
modernisation, such as measures, in 1963, for the disclaiming of peerages and the
exclusion, in 1999, of most (all but 92) hereditary peers; their compact and
straightforward nature has proven to be efficient, without necessarily concluding the
business of reform on a comprehensive or thorough-going basis. The planned
change needed to be made serviceable: a test of how political the task of reshaping
this area of the constitution actually was.

One prominent line of continuity over many decades, before and after 1958,
has been the chamber’s deliberative function – and that forms one of the mainstays in this particular historical examination. Indeed, the basic tasks for peers, and their background credentials – highlighted today in an official parliamentary educational guide to the Upper House, in 2018 – were already becoming familiar to their forerunners in the mid-twentieth century:

Lords are chosen for their experience or knowledge, like medicine or law, skills that can help the country, so they represent areas of interest, rather than a region of the country … being a peer for life means that by not seeking re-election, they can concentrate solely on policy. 52

Despite a great deal of criticism at the time, it was mainly the Lords’ performance as a deliberative body which garnered praise. The political scholar (and future life peer), Max Beloff, stated, in 1954: ‘For genuine debate on important issues, it is probable that the House of Lords is a superior forum to the House of Commons’.53 Some of their Lordships were creatively staking out a parliamentary position which did not necessarily challenge the will of the elected House. Nominal party allegiance did not bind peers as closely in support of a line on a particular policy as it did MPs. If the Upper House in the pre-1958 period had been truly moribund, there would have been few, if any, lively debates, and as a body it would have served as little more than a rubber-stamp for Conservative administrations. Against the background of its slow journey towards reform, this thesis examines the make-up and temper of the Lords, which prompted Beloff’s claims on its behalf.

SECTION ONE:
‘A MONSTROUS SURVIVAL OF ARISTOCRATIC PRIVILEGE’?  

‘The Lords has figured alternately as a romanticised symbol of national continuity and as a monstrous survival of aristocratic privilege’ – The Economist, 1958

CHAPTER 1: ARISTOCRATS AND MERITOCRATS

The object of this first part of the study of the Lords in the 1950s is to illuminate the benches and to clarify elements of the political culture of a House which placed greater emphasis on ‘professional’ values than those belonging to the older territorial or dynastic order. The question of who was, or was not, active at Westminster will be highlighted and analysed in this context. An understanding of the composition of the House leads on to the subsequent examination of its policy deliberations and the complex approach to how it might be reformed as a parliamentary chamber.

At the start of 1952, the total number of eligible peers, excluding ‘Peers of Blood Royal’, amounted to 856. (There were 625 MPs.) This number rose, over the course of the next six-and-a-half years, through new creations, or appointments; also, many new peers would succeed following the deaths of their lineal predecessors. In terms of the human make-up of the mid-twentieth century Lords, the parliamentary politics identified by Namierite historiography with the Georgian period, a view of ‘the tangled fabric of kinship and interest’, had certainly faded.

54 ‘The Other Place’. The Economist, 12.4.1958.
55 Jacob M. Price, ‘Party, Purpose, and Pattern: Sir Lewis Namier and His Critics’. Journal of British Studies, Vol. 1: 1 (November, 1961), p..74. Price described these personal bonds as being based on ‘blood, marriage economic dependency or other material interest, neighbourliness, friendship, past favors or future expectations, etc’. Ibid., p.84.
Over the course of several decades, the Lords gradually modernized its composition without the pressure of any statutory reform: ‘professionalizing’, but through a selective, even haphazard process. The signs of ‘meritocratic’ entitlement indicated what Harold Perkin saw in wider social terms as the ‘triumph of the professional ideal’: a society ‘structured around career hierarchies rather than classes, one in which people find their place according to trained expertise and the service they provide rather than the possession or lack of inherited wealth or acquired capital’.\textsuperscript{56} For the Lords specifically, the new ‘professionalism’, combined with the 1911 Parliament Act, tended to have effects which were more gradual than immediate: a trend which was already gaining currency in the 1950s, and would be underlined by life peerage reform.

Personal experience or knowledge in this arena might take different forms. Viscount Bryce had maintained, in 1918, that the Upper House’s ‘moral authority’ corresponded to the ‘influence exerted on the mind of the nation which comes from the intellectual authority of the persons who compose the Chamber, from their experience, from their record in public life and from the respect which their characters and their experience inspire’.\textsuperscript{57} So, the collective aspect of the Lords, and how it was viewed —both in terms of membership and the relative frequency of peers’ attendance —would be germane to its future shape. Aloof from the electoral politics and drama of mass democracy which framed the Commons, it evolved in its own way, even before the introduction of life peers.

Nominally, the House of Lords continued to feature well-known family lines, and


some front-line appointments seemed to derive from the connectedness of families. An illustration of this tendency came precisely at the time of progressive reform in the House of Lords, during the Macmillan Governments from 1957 to 1963. It was calculated that as many as 35 members of the government were related to the Prime Minister by marriage. 58 Arguably, this kind of retrograde flourish – including the appointment of the Earl of Home as Foreign Secretary in 1960 (as well as his later short-lived premiership) can be interpreted as an aberration, an exception to newer norms shaping public life, which the Life Peerages Act itself underlined.

The Lords’ status as an aristocratic redoubt was now more emblematic than real. Undeniably, the old-established families were losing their parliamentary foothold. As the Conservative Party itself was transformed in an age of democratic franchise, dynastic qualifications, or nepotism, would no longer be a guarantee of political power – compared with the beginning of the century, when the 3rd Marquess of Salisbury was succeeded as party leader and Prime Minister by his nephew, Arthur Balfour.

Undoubtedly, the traditional power and prestige of the House of Lords had been amplified through its inter-relationship with the Commons. In the nineteenth century, many aristocratic figures from prominent families -- including Salisbury, Derby, Devonshire, Londonderry -- served initially as MPs before inheriting their peerages; younger sons, nephews and cousins also benefited as prospective

58 Cited by the retired Conservative politician, Christopher Hollis, ‘The Conservative Party in History’, *Political Quarterly*, 32:3 (July, 1961), p.220: ‘There had been nothing like it in England since the days of the eighteenth-century Duke of Newcastle’. One historian, tending towards dramatic overstatement, even sees this style of patronage as ‘an expansive aristocratic revival’. Harshan Kumarasingham, ‘For the Good of the Party’, *Political Science*, 58:2 (December, 2006), p.55. Amongst the multiple connections of Lady Dorothy Macmillan: her brother, the 10th Duke of Devonshire, married the daughter of the 4th Marquess of Salisbury, who, on her mother’s side was the grand-daughter of the 5th Earl of Arran. (This made the 5th Marquess a kinsman of Macmillan.) One of Dorothy’s sisters married a Cobbold (the brewing dynasty, linked with the Lyttons), who also happened to be the grandson of the 7th Earl of Dunmore. Another Cavendish sister married the son of the 17th Earl of Moray, James Stuart, an earlier cabinet colleague of Macmillan. And the youngest Cavendish sister, Lady Anne, on her third marriage, wed the 10th Earl of Sandwich in 1962
candidates from these connections. Such a form of overlapping membership between the two parliamentary chambers lasted well into the twentieth century. Notably, almost one out of four Conservatives in the Commons during the 1951-1955 Parliament shared an aristocratic pedigree. (See the list on the linked website: https://peerdatabase.wordpress.com)

Yet, a gradual adjustment was taking place, crystallized by Lord Beveridge’s aspirational view, in a broadcast talk at the end of 1951, soon after the formation of the new Conservative Government: ‘We have somehow to carry on an aristocratic tradition in Britain without the aristocrats’. 59 In 1938, the constitutional scholar, D.L Keir had celebrated the survival of what he saw as ‘an aristocratic conception of government as a form of service to the State rather than an opportunity of serving private or class interests’. 60 Such an elevated ideal of civic duty, together with Bryce’s corporate ‘moral authority’, can be taken as both a standard and rationale for the development of the House of Lords as a parliamentary body in the twentieth century. Above all, the implied disinterestedness of members of the Lords warrants a detailed appraisal of who they actually were, and the relationship between what Keir typified as ‘private or class interests’ and the commitment to public service.

The framework for prosopographical analysis in this section of the thesis encompasses the whole body of the Lords. A leading purpose is to assess various personal features which cast light on the collective background of peers – as well as allowing for a more selective view of those who were active, in various degrees, in the work of the chamber. These biographical outlines take into account peers’ common

experiences. By collating such data, it is possible to appraise the characteristics in individual backgrounds which help to define patterns of social traditionalism, from education to military, civic and colonial involvement, as well as the significant membership of gentlemen’s clubs. The hereditary peerage, as a whole, showed a clear inner divergence, between an active core of members of the Lords and a majority who were only occasional attenders, or absent altogether.

An atmosphere engendered by a traditional, hierarchically-minded way of life, persisted at this stage, while a professionalized ethos – including that of the Weberian vocational politician – was gradually modernizing the culture of the Upper House. 61 Previous parliamentary experience – in the Commons – tended to give new peers a useful grounding in debating skills, for example. A telling point is that, out of the total – of 1,003 peers – 157 (15.6%) had served at some earlier stage in their careers as MPs. Newer peerage creations appear to have been significantly weighted in favour of the ennoblement of MPs, many of recent vintage. As Ross McKibbin has sardonically put it, in a reflection on patronage and the diminishing appeal of sheer wealth credentials: ‘A man who wished promotion to the peerage was ... much better advised to enter politics than to try to make one million pounds.’ 62

An overview of the total peerage cohort – i.e., the individuals who, at different times in this period, were eligible to sit in the Lords – shows that the internal ranks of nobility were weighted substantially in favour of barons; the highest ranks were much scarcer, even more so in terms of attendance.

Dukes: 30 (2.9%)
Marquesses: 44 (4.4%)
Earls: 206 (20.4%)
Viscounts: 134 (13.4%)
Barons: 589 (58.9%)

Within the total of 1,003 peers, 469 (46.7%) held titles which had been created from 1900 onwards; 237 (23.6%) were first-generation peers, predominantly elevated with barony titles. Over the decades following 1958, the near-total number of awards to new peers would be granted as barons or baronesses. So, even before life peerage reform, that particular rank of elevation to the Lords had already featured strongly, a token of a more muted sense of ‘ornamentalism’.

Both the entire ‘cohort’ and the three sub-groups based here on frequency of attendance – demonstrate a well-defined but restricted social and cultural range. While there is no definitive typology for these peers, or overriding homogeneity – individuality remains a hallmark – it is clear that there were certain shared characteristics or affinities which can be seen as historically distinctive and, above all, offering an insight into how the membership of the Lords helped to set some of its policy stances.

i. Education

Analysis of the school backgrounds of peers shows that public schools were clearly predominant – 78% of all peers attended, compared with 22% of those in other forms of secondary education -- and Eton College alone had been the chosen establishment for almost half the total number of peers eligible to sit in the House of
Lords. Table 1 presents a detailed picture relating to individual major public schools, as well as the overall proportions for all 1,003 peers in terms of their secondary education backgrounds, including other public schools, independent day/grammar schools, elementary/council schools, naval training, establishments abroad, and a wider swathe encompassing self-disclosed ‘private’ education and those for whom no relevant information is readily available.

FIGURE 1.

Breakdown of Peers' Secondary Education

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63 The category of Public Schools encompasses traditional boarding schools, the Clarendon group, as defined in the 1860s, but others, too, such as Radley and Eastbourne, founded in the mid-nineteenth century; also Roman Catholic schools, such as Ampleforth, Downside and the Oratory.
These figures, particularly those relating to Eton (454 attendees), are notable because they reflect such an uneven distribution, accentuating the exclusive school choices of a social elite. Writing about the nineteenth century, W.D. Rubinstein observed that, together, Eton and Harrow ‘produced a grossly disproportionate share of the political and public elite’.\(^6^4\) That argument was based on how, in 1831, 20 per cent of the members of the House of Commons had attended Eton and 11 per cent Harrow; in 1865 these percentages were scaled down to 16 and 8. Yet, in the 1950s, Old Etonians and Harrovians together accounted for almost 52 per cent of the membership of the House of Lords. By comparison, Etonians constituted 12.5% of the Commons after the 1951 general election.

So, in the strictly numerical sense, that original ‘grossly disproportionate share’ held in the nineteenth century still marked out the peerage for its public school attendance. There are only limited variations in public school backgrounds between the groups of ‘active’ and more occasionally attending peers (using the statistics for the 1955-1956 parliamentary session). In this specific cohort, 14 out of the total of 33 had been at either Eton or Harrow (13 at the former; 1 at the latter; 42%); adding the other major public schools, as many as 23 out of 33 (69%).

It has been widely accepted that public schools did provide various functions which served to bring the aristocracy (as well as members of the upper-middle class) into future public life: socializing them, laying down codes of behaviour and bestowing elements of *kudos* or, at least, respectability.\(^6^5\) Beyond fulfilling these functions, the overwhelming conclusion to be drawn from such data,

\(^{6^5}\) In his 1963 study, *The British Political Elite*, W.L.Guttsman maintained: ‘The making of the future politician from the ranks of the aristocracy can be traced back to the education which they received in the public schools.’ Guttsman, *British Political Elite* (1963), p.151.
as related to peers’ backgrounds, is the sheer lack of broader social representativeness – particularly, how schools which might have prepared middle- and working-class males for a role in public life were in a very small minority. This social imbalance was therefore built into the Lords as a chamber.

Yet, cohesion, solidarity and oligarchy were not necessarily defining features. Although these peers can be seen in terms of how earlier upper-class generations chose to mould their young scions, a public school background did not itself buy political prominence for the aspiring individual. Hereditary benefits or privileges, as exemplified in a family peerage title, had only limited connection with the new ranks of what, in the 1950s, the influential US sociologist, C. Wright Mills, saw as the Power Elite, where those who ‘transcend the ordinary environments of ordinary men’ might be distinguished in ‘higher circles’ – with schooling facilitating how ‘the activities of an upper class may be tacitly co-ordinated’. However, social exclusiveness or a family’s financial advantage could not automatically guarantee political power.

In terms of schooling, there is an interpretational hazard in trying to trace the precise relationship with power and influence. As Anthony Sampson wrote: ‘It is important to distinguish between the influence of Eton on careers and the influence of the families that send boys there. The Etonians in the cabinet and in merchant banks are more remarkable for their ancestry than for their Etonianism.’ Against the backdrop of what he calls ‘decaying feudalism’, J.A. Mangan presents an

67 Anthony Sampson, The Anatomy of Britain (1962), p.177. Also, see Michael Young on ‘ancestor worship’: ‘Guards, regiments, public houses, old cars, cricket, above all the hereditary monarchy and in a less obvious way the class around the monarchy, namely the aristocracy, which could trace its descent from a more splendid past... The State itself had high prestige because it attracted some of the status of the aristocracy who used to govern the government’. Michael Young, The Rise of the Meritocracy, p.27.
account of ‘certainty and zeal’ which ‘is indispensable if we wish to understand the unique mixture of emotionalism, innocence, myopia and rigidity that once characterised a now ridiculed and despised ideology’. \(^{68}\) Yet, if the House of Lords in the 1950s did demonstrate some of the symptoms identified by Mangan, such conservative-minded tendencies, inclined to patriotism and defence of Empire, might have had many possible inspirations and impulses beyond a strictly corporate public school ethos.

An old-fashioned personal formation through English higher education was also well represented by the Lords. The universities of Oxford and Cambridge – where, almost 44% of these peers had studied – dominated, mainly to the exclusion of newer institutions. If universities were evolving from ‘a finishing school for young gentlemen’ to a ‘central power house of modern industry and society’, it appears that the Lords as a collectivity embodied the earlier values rather than the more progressive aspirations of the latter. \(^{69}\) University attendance by (mostly future) peers was disproportionately great. Indeed, a notion of exclusivity applied to any university student throughout the first half of the century, as a very small minority compared with the population at large.

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This collective background – 44% of all peers at Oxbridge -- compares with 52% of Conservative MPs and 19% of Labour MPs in the 1951 Parliament – so, an overall higher proportion for peers than MPs.\textsuperscript{70} The most subscribed college at Oxford was Christ Church, while, at Cambridge, Trinity attracted well over half of the total

\textsuperscript{70} Figures for MPs, cited, Bill Jones, \textit{The Politics Today Dictionary of British Politics} (Manchester, 2004), p. 168. Thirteen peers were fellows or professors of Oxbridge colleges and at London University; seven, Fellows of All Souls, Oxford. Fellows of Trinity College, Cambridge: Pethick-Lawrence, Rothschild, Earl Russell, Adrian (Master, 1950-1965, and President of the Royal Society); Beveridge had been Master of University College, Oxford, and Director of the London School of Economics; Salter, Professor of Political Theory and Institutions at Oxford, as well as Independent MP for that university (later, a Conservative MP elsewhere); Elton, a Fellow of Queen's College, Oxford, and Lecturer in Modern History; Caldecote, a Fellow of King’s College, Cambridge, in Engineering. Students of Christ Church, Oxford: Pakenham and Cherwell, also Professor of Experimental Philosophy; Fellow of Hertford College, Oxford: Quickwood, also former Provost of Eton; Professor of Commercial and Industrial Law, London University: Chorley; Professor of Bacteriology at London University: (2nd Baron) Stamp. Nine of these thirteen were first-generation peers, though Pakenham was heir to an earldom and Quickwood a younger son of the 3rd Marquess of Salisbury. Fellows of All Souls: Brand, Bridges, Halifax, Radcliffe, Hailsham, (1st Viscount) Simon and Somervell of Harrow -- five of whom were first-generation peers, though Brand was the younger son of a viscount.
number of peers attending that university. Among other notable backgrounds in higher education, are recorded courses at 14 European universities, including Paris, Grenoble, Bonn, Berlin, Strasbourg, Leipzig, Freiburg and Vienna; and 3 U.S. universities, Yale, Pennsylvania and Columbia. International education, then, took a minor share of the total number of institutions – similarly, technical, engineering or specialist art training. Paradoxically, despite the wider personal bias in the Lords towards the Humanities, most of the discussions there about higher education centred on science and technology.

However, it is unclear how exactly a shared university background might have acted as a force for social or ideological cohesion. The peers of the 1950s had been young students at varying times over the course of six decades, during a period when the (predominantly) Oxbridge collegiate ethos had remained as an influential constant in national life. The Lords, as a chamber, did reflect elements of a high-minded ideal, which was inspired in part by academia – particularly in the desire to discuss the future of higher education itself. 71

ii. ARMS AND THE LORDS

Formal army or navy training and enlistment outside wartime accounted for almost one-in-three of all peers of the 1950s; in total, twice as many peers served in the forces during the two World Wars. It appears that 315 (31%) out of the 1,003 peers in this research project were either (or both) educated at specialist military or

71 The former Oxford don, Lord Pakenham, declared: We are all proud of our universities, whether we are graduates, whether we are merely entitled to write 'Failed B.A.' after our name, or whether, as Mr. Ernest Bevin, I believe, once said to King George VI, we have ‘plucked our education from the hedgerows of experience.’  

HL Deb 22 May 1957 Vol.203 col.1070.
naval academies and became voluntary or regular servicemen (including the T.A. and other reserve or auxiliary services, beyond wartime). Sandhurst. 135 of these trained at Sandhurst, and 46 at either a naval academy or on board a naval ship. According to self-declared records in reference books, about 390 peers besides – who do not have a regular or professional 'military' classification in this thesis – served in either or both world wars. It was customary, though not invariably so, that almost all hereditary peers or heirs to peerages belonged to the officer class, with many rising through the ranks to senior command positions. Also, because of the enduring status of former officer peers within landed society, many held honorary rank after retirement or local civil defence and county regiment command.

FIGURE 3. PEERS’ MILITARY BACKGROUND

- Military academy, chiefly Sandhurst or Woolwich 135
- Naval academy/RN ship training 46
- Regular Service careers 164
- Estimated total with wartime service, not having prior military careers 390
A formal training, predominantly at Sandhurst, an officer’s commission in a prestigious or county regiment with family connections, were significant background features for many peers. A total of 181 (18%) received a military or naval education; almost the equivalent number, 164 (16%), besides the formal trainees, had careers in the regular services outside the two world wars, or can otherwise be described as military peers, as reservists, royal equerries, Territorial Army officers, or honorary regimental officers. So, one-in-three peers shared this broad military background. But that proportion is inevitably greater, when other peers’ (as many as 390 in total) separate wartime service – without a prior military career -- is taken into account,

Aristocratic military involvement had long been an established feature of national life in Britain, as in various continental societies. Yet, for the Lords as a whole, the formative military experience of many peers did not lead towards anything like a coherent or potent sense of militarism. A personal military past might have been a marker of social traditionalism; it was not a sign of belonging to a contingent, let alone any faction, within Parliament. Individualism, rather than group identity, tended to be the hallmark for many peers, though factors such as education, military background and party allegiance appear as significant threads tying together common experiences.

While recent historiography seeks out some of the bonds and retrospective

72 War was aristocracy’s oldest profession’. Dominic Lieven, The Aristocracy in Europe, 1815-1914 (Basingstoke.1992), p.181. Several peers, still alive in the 1950s, had taken part in the South African, War -- including (the 12th) Viscount Massereene, of the 17th Lancers. (The 6th) Viscount Sidmouth served in the Light Cavalry in Waziristan in the early-1920s. (The 13th) Earl Ferrers was a Lieutenant, Coldstream Guards, during his National Service, while (the 3rd) Baron Montagu recorded his tedious interludes as an officer in the Grenadier Guards, in the late-1940s. Lord Montagu of Beaulieu, Wheels Within Wheels: An Unconventional Life (2000), p.62.
73 See C.B.Otley, ‘Militarism and Militarization in the Public Schools, 1900-1972’. British Journal of Sociology, 29.3 (September,1978), p.322: ‘By ‘militarism’ I mean the doctrine and practice of exalting war and the armed forces over other social functions and institutions in the state. By ‘militarization’ I mean the encroaching of military forms, personnel and practices upon civilian institutions or social orders’. 
‘narrative’ reinforcing the political community among wartime veterans in Parliament, what is evident in the 1950s (and beyond) is that a senior or commanding military background hardly rallied or coalesced disparate opinions in the Lords. Because it had also been customary for military commanders not to hold high political office in peacetime, it was noteworthy when Churchill chose Field Marshal Lord Alexander of Tunis to be his Minister of Defence in 1952, given that the position is usually occupied by party politicians and from a position in the Commons. It was indicative, too, that Alexander’s tenure was not particularly comfortable, a sign of the temperamental divide between military life and politics.

The presence in the Lords – on an occasionally attending basis -- of a number of former chiefs within the armed services did provide a platform for informed debate whenever relevant topics came up. By placing these views, whether strategic or sectional, in debates within the civil sphere, the Lords served a constitutionalizing end: top military personnel were now integrated into a parliamentary ‘command-structure’, with its own prevailing values. The elevation to the Lords of a new generation of military leaders from those major wars did help to give a professional authority, as well as the aura of valour, to discussions about the armed services. The recently ennobled included figures from the army, such as Alanbrooke (1945), Montgomery (1946) and Freyberg (1951), the navy, Cunningham (1945) and Fraser of North Cape (1946), and the RAF, Dowding (1943), Tedder (1946) and Douglas of Kirtleside (1948).

Most of these military ‘professionals’ did not venture beyond national defence

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policy when they addressed the Lords. A salient exception – proving the rule – was Lord Dowding. (he attended 14 sittings in the 1955-1956 session, just below the level designated here as an ‘occasional’ peer; in July, 1956, he cast his vote behind the failed bid to abolish capital punishment.) Although he did contribute to defence debates, he also promoted his own alternative enthusiasms on the floor of the House: spiritualism, anti-vivisectionism and vegetarianism.

Besides airing individual views at intervals about the future of national defence, the Upper House was far removed from any council of war, just as it could not be said properly to constitute a forum of technocrats. It did not embody the values of a ‘New Sparta’, partly because that supposedly modern form of classical warrior mentality had not taken root anyway in Britain, where what S.E. Finer, in 1962, called ‘the principle of the supremacy of the civil power’ prevailed; partly because the Lords’ temperamental inclination and constitutional function was more the stuff of dilettantism than hardened militarism.76

Often, these features did not translate into a sustained parliamentary performance. For example, (the 6th) Earl Cathcart, who hailed from a family with several preceding generations of high-ranking soldiers, commanded the Scots Guards and rose to Major-General. In the 1955-1956 session, he attended the Lords just once. Also, it should be emphasized that over the course of generations, the inter-penetration of civilian and military careers was unquestioned; noble scions

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frequently sat in the House of Commons after completing their armed service. 77

Hew Strachan concedes that there were few opportunities in Parliament to assert militaristic interests. When these did arise, ‘the existence of a military lobby which has otherwise lain dormant has been revealed’. 78 However, we need to question whether such a lobby was there in actuality, in either coherent or effective form. The essential understanding of the civil-military relationship bounded the expression of views in the Lords. Also, only a few other vocal peers turned out to be contributors to defence debates, despite continuing connections through regiments, the British Legion or other links with the welfare of the fighting forces, past and present.

This form of emblematic military involvement still saw the nobility presiding over lobbying bodies like the Navy League, which had long benefited from old-fashioned personal prestige at the top. (In its pre-First World War heyday, the Navy League had had 125,000 members, in more than 150 branches. 79) Trafalgar Day, 21st October, continued to be a focal-point in the ‘navalist’ calendar until the 1950s; the League’s president, Lord Teynham (the 19th Baron: a former commander of destroyers, as well as Chancellor of the Primrose League) used the public occasion for rallying the naval cause, under duress because of government cut-backs and the ebbing of popular support

Indeed, any notion of an active military caste would have been incongruous,

77 There had long been an informal cross-over between senior military and naval personnel and Parliament, as Lewis Namier showed for the eighteenth-century House of Commons. See Lewis Namier, *The Structure of Politics At the Accession of George III*. Vol. 1 (1929), pp.31-47.
though the sacrifices of the nobility were acknowledged. In 1952, a memorial window for members and staff of both Houses of Parliament who died in the Second World War was dedicated in Westminster Hall. In total, 28 peers (as well as two royal Dukes) lost their lives whilst serving in the armed forces during the War -- including, notably, both the 2nd and 3rd Barons Shuttleworth; both of the 1st Baron’s sons had been killed in the First World War: two generations, sons and grandsons, in successive wars. There was also a considerable number of heirs and younger sons of peers who fell, including the sons of the Leader of the Lords, the Marquess of Salisbury, and the former Foreign Secretary, the Earl of Halifax. The tradition of active military service, including sacrifice, persisted. A contemporary example was that of (the 2nd) Earl Wavell, who was killed in Kenya during the campaign against the Mau Mau insurgency, in 1953.

Throughout, the Lords could not and did not function as an arena for current military ambitions. There were sharp limitations to the Upper House’s performance, which in turn restricted its ability to influence policy in this area, however impassioned some speakers were -- even at times when there was furious manoeuvring by the Service departments in Whitehall over the shape of budgets, equipment, manpower and general defence strategy. It had something of a split understanding of national defence: traditionalist noble valour co-existed uneasily with the demands of war technology and bureaucracy.

Although almost all speakers in debates were no longer in active military positions, they displayed a staunch loyalty towards their respective branch of the armed services, though they tended to contribute in an individualist spirit, hardly as part of any coherent interest-group. Undoubtedly, there was a tendency towards asserting sectional service interests: a main factor behind the lack of a cohesive
military lobby in the Lords. So, in 1953, a skirmish between Viscount Trenchard and Lord Fraser of North Cape (Air Force versus Navy) over the future of large aircraft carriers invoked the experience of combat in the 1940s -- and Fraser, for his part, read out a touching personal wartime letter of support from General Eisenhower.\footnote{HL Deb 16 April 1953 Vol. 181 col. 846.}

Several peers in the 1950s also retained some kind of connection with the British Empire, and chose to speak in the Lords solely within that range of experience and expertise. The Lords, despite its shortcomings, was able to draw on a fund of recent historical memory and precedents across the administration of the British Empire – a former colonial governor, such as Lord Hailey, contributed only to specialist debates -- with greater claims than the Commons both to local and wider, strategic knowledge.\footnote{Hailey's peerage title combined Shahpur, in Punjab, with Newport Pagnell. His faith in a conception of empire weathered the process of decolonization. According to a biographical summing-up, 'Well aware that his faith was going out of style', he 'remained an imperialist to the end'. John Cell, 'Hailey'. ODNB. Indeed, Hailey's final contribution to the House of Lords came at the very tail-end of Empire, in 1964, when, at the age of 92, he voiced concern about the merger of the departments of State dealing with colonial and Commonwealth affairs.}

In the ‘New Elizabethan’ spirit of the 1950s, an illusion lingered in some minds that grandees from the Upper House could be active players in relation to imperial affairs.\footnote{Of the thirty-three holders of the Viceroyship of India, a predominant number were either made peers, or else, already in the House, were promoted within the peerage. Anthony Kirk-Greene has written: 'Such a microcosm of aristocracy is unsurpassed' in the history of any public office, including that of the Prime Ministership. Kirk-Greene, Britain’s Imperial Administrators, 1858-1966 (Basingstoke, 2000), p.236.} The Earl of Portsmouth, an agriculturalist peer who lived mostly in Kenya – and attended Westminster only three times in 1955-1956, initiated a debate on Deforestation and Desiccation.
iii. CLUBS

A salient feature in the biographical details of these peers is their membership of gentlemen’s clubs. Many (643, or 64% of the total) subscribed and belonged to establishments, mostly located in the district of St James’s. This self-declared detail of lifestyle helps to provide a composite view of lifestyle. The era of ‘club government’, part of what Angus Hawkins refers to as ‘an intimate social milieu’ in the mid-nineteenth century, had long passed.83 (An exceptional episode in the post-war climate, with echoes of a more distant past, was recorded by Lord Hailsham in his memoirs: in the mid-1950s, during the Eden premiership, he was approached in the smoking room of the Carlton Club by Harold Macmillan, who sounded him out about his career plans. Not long afterwards, Hailsham received a ministerial job offer. In retrospect, he concluded: ‘I believe … that this conversation may have influenced future events’.) 84

In practice, the exclusiveness of gentlemen’s clubs imposes constraints about what we might be able to discover on the inside -- above all, the diffuse and confidential nature of members’ conversations. One historian, who has examined clubland against the background of the nineteenth-century Reform Acts, sums up this problem: ‘The lack of available sources on London clubs – combined with much rumour, innuendo and speculation – has created an enormous amount of mystique about them.’ 85

Membership in these establishments was not necessarily an extension of political involvement, though the Carlton Club, particularly, was seen in terms of Conservative Party institutional identity. Although the Carlton Club retained its close links with the Conservative Party, the attractions of Clubland as a whole drew historically on a locale near to Westminster, but also, arguably, on leisure facilities and the scope for conviviality. Antonia Taddei emphasizes that these clubs ‘provided a means of establishing gentlemanly status and of making useful connections’. 86

FIGURE 4

<table>
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<th>Club Membership Numbers</th>
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<tr>
<td>National Liberal</td>
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<tr>
<td>Naval &amp; Military</td>
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<td>Lansdowne</td>
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<td>Garrick</td>
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<td>Bath</td>
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<td>Traveller’s</td>
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<td>Buck’s</td>
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<tr>
<td>Beefsteak</td>
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<tr>
<td>Pratt’s</td>
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<tr>
<td>Athenaeum</td>
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<tr>
<td>Cavalry &amp; Guards (inc pre- merger)</td>
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<tr>
<td>Brook’s</td>
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<tr>
<td>Whites</td>
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<tr>
<td>Carlton</td>
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Each club retained its idiosyncratic character and atmosphere. So, the individual peer might base his choice of belonging on the basis of military background (United Service, Army & Navy, etc.), Conservative Party credentials (Carlton), post-Whiggish hue (Reform and Brooks’s), intellectual kudos (Athenaeum), indefinable gentlemanly qualities (Pratt’s and White’s) and rural and horse-racing associations (Turf).

The commodity of gossip, in ‘oral communities’, and the emblematic masculinity have been underscored in historical studies of clubland. Whatever the differing nuances over the generations, there is still a basic ethos, compatible with peers’ parliamentary, social or professional profiles in the 1950s, particularly in the common gender-exclusive environment of the Lords and clubland.

iv. Party

Party affiliations retained a loose tribal character, with more of an imprint of tradition or custom than any potent ideological bond. The total membership was heavily skewed towards Conservatism or Unionism, though the most ‘active’ peers were more evenly divided in party terms. The numbers of affiliated Conservative peers alone – as many as 507, compared with 55 Labour peers, in 1955 -- attest to

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87 An enduring clubbable spirit is captured from an earlier period (the First World War) by Sir Almeric Fitzroy, the Clerk to the Privy Council. He recorded a dinner at the Travellers’ Club, noting ‘the commerce of minds of high capacity and fastidious outlook’. Fitzroy, Memoirs, Vol.II, p.581

88 These concepts are contained in the title of Amy Milne-Smith, ‘Club Talk: Gossip, Masculinity and Oral Communities in Late-Nineteenth-Century London’. Gender and History, 21:1 (April, 2009), pp. 86–106.
the built-in and overwhelming party advantage. However, there is no sure way of establishing the exact number of official Conservative peers, or those taking the party whip, as opposed to self-declared supporters in, say, *Dod’s Parliamentary Companion*. A rare surviving list of those taking the whip in the Conservative Party archive, dating from 1959, features approximately 320 names, with several more crossed out; there are also ten names under the heading ‘Lib/Cons’, presumably likely to join the same voting-lobby in a division.

Ivor Jennings, who described the Upper House as ‘an outpost of the Conservative party’, significantly also suggested that party loyalism was not always brittle or craven: ‘the peers possess a greater freedom of action than the Conservative members in the House of Commons’. Writing elsewhere, in terms of the ideological spectrum, Jennings placed the Lords as ‘always a little more to the right of a Conservative government’. Yet, even if the chamber did serve as a partisan ‘outpost’ – in reality, being more independent-minded than that -- it also provided the party leadership with a listening-post for elements of Conservative opinion. The very name of the representative body there – the counterpart to the 1922 Committee of Conservative MPs – the Association of Independent Unionist Peers, suggested a greater latitude where party loyalism was concerned.

Historical narratives of the Conservative Party are surprisingly lacking in curiosity about its Lords’ contingent in this century, beyond the dramatic episode of the constitutional crisis and the ‘diehard’ faction in the period preceding the First

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World War. While the organizational components of the extra-parliamentary party have been examined in detail, and the Conservative ‘high political’ role in the Commons is central to such analysis, the position of the party’s peers – as in this case, during the 1950s – suffers from neglect. For example, Robert Blake’s historical overview acknowledges the role of Lords Kilmuir and Salisbury in sounding out opinions as to who should succeed Eden following his resignation in January 1957. Yet the personal authority of these particular peer-grandees is taken for granted in this account. In response, we may surmise that their authority stemmed as much from their seniority in age and their lack of personal ambition as from any direct power-base within the Lords.

For operational purposes at Westminster, this total phalanx of support could be called upon if necessary, forming a potential majority in the Upper House. As we shall see in greater detail, one significant measure of opinion, demonstrating the rampart quality of the Lords, came, in 1956, with the decisive defeat of the Commons’ (albeit narrow) majority in favour of abolishing capital punishment.

A manner of describing political orientation, with a lower-case ‘conservative’ tag, was captured by the former minister and inveterate opponent of the death penalty, Samuel Hoare, not long after his elevation as Viscount Templewood. He saw himself as a ‘liberal amongst conservatives and a conservative amongst liberals’, having ‘never been able to judge questions exclusively by their party colour.’ Former high-ranking Conservative ministers, such as Templewood and Earl Halifax, maintained a selective outspokenness as political ‘retirees’ in the Lords well into the 1950s – most notably, the former in support of abolishing capital punishment.

punishment, a minority position for a Conservative, while Halifax opposed the introduction of commercial television. Several former MPs, entering as new peers – such as Lords Quickswood (Hugh Cecil) and Brabazon of Tara, both in 1941, and Jeffreys, in 1952, helped to give a spirit of what Hogg/Hailsham referred to as ‘the doggedness of an Englishman’, equally lower-case ‘conservative’ and upper-case Conservative.

Richard Law (the son of Andrew Bonar Law) went from the Commons to the Lords, as Baron Coleraine in 1954. Towards the end of the post-war Labour administration, his bracing anti-statist ideas had been published in book form, as Return From Utopia. 95 This Hayekian, market viewpoint was not in the Tory mainstream, yet a platform in the Lords allowed Coleraine to voice his opinions during wide-ranging debates on affairs of state. In his maiden speech there, he issued an early warning of the dangers of inflation, part of a policy prescription which did not command much support at the time: 96

The Labour peers – numerically, about fifty in this period -- were dominated by former MPs and party or trade union officials. 97 Very few new peers by succession took the Labour whip, though a small number of frequent attenders happened to be hereditary peers with old titles, such as the Earl of Listowel (1822), the 10th Baron Strabolgi (1381) and the Chief Whip, the Earl of Lucan (1776). The son of the long-serving politician (and former textile worker), Lord Calverley, and himself an

95 Richard Law, Return From Utopia (1950). The keynote of the book was contained in the line: ‘Freedom is the first condition of human virtue and Utopia is incompatible with freedom.’ p.9.
96 HL Deb 27 April 1954 Vol. 187 col.42. ‘It is clear to me that if we have a given volume of Government expenditure and private expenditure and we add to the volume of private expenditure, we are producing a result that to some extent is inflationary’.
97 Attrition through deaths and the defection of the former minister, Lord Trefgarne, in 1952, eventually to the Liberals, lowered numbers. Against these losses, recently inheriting peers, such as Noel-Buxton and Strabolgi, joined the Labour ranks. Noel-Buxton’s parents were both Labour MPs, ‘Liberal Peer Joins Labour’, Manchester Guardian, 29.2.1952.
insurance official based in Bradford – ‘the Baron from the Pru’, as his friends called him – declined a role in the Lords because of business commitments. 98 For some other families, any possibility of a party dynasty was nullified by an heir’s rejection of his political legacy. So, the 2nd Baron Westwood, on succeeding, declared that he could not follow his father’s stalwart allegiance to Labour, sitting instead as a Conservative. 99 There were personal financial constraints, too, particularly before the payment of expenses for attending the House was instituted. 100 Most Labour appointees were, in effect, life peers without that particular constitutional tag.

Although only standard hereditary peerages could be awarded, many of the recipients until 1951 either had no heir or, if there was one to take up the seat in the Lords, they were often unlikely to do so. In office, Attlee ennobled as many as 86 people, almost matching Lloyd George’s 91 in an equivalent six-year period: a sign of relative ease with the patronage process. Those appointments were not confined to strictly party politicians. The Labour administration recognized, for example, the economist and wartime official finance representative, William Piercy (Baron, created 1945), who had become a party supporter, and Cyril Hurcomb (Baron, 1950), a senior civil servant who was the first chairman of the British Transport Commission, – both distinguished but occasional contributors to debate. 101 (Hurcomb’s additional expertise as a naturalist informed a range of speeches, spanning his maiden and final speeches, in 1952 and 1973 respectively, on wild birds.)

100 This problem was pointed out by the Labour front-bench peer, Lord Silkin. ‘Labour Peers. Letters to the Editor. The Observer, 10.6.1956. An earlier article referred to the sons of Labour peers having developed ‘a most unsportsmanlike habit to turn Tory’. ‘Political Diary: Unkind Hearts and Coronets’. The Observer, 27.5.1956. (The 1st) Baron Calverley had complained about the sheer cost of procuring robes. ‘Peer says: I will NOT wear robes’, Daily Mirror, 7.11.1952.
101 Piercy demonstrated the open boundary between private and public sectors: a merchant, principally in softwood, a stockbroker and head of the government oil mission to Washington, he then, after the Second World War, became the first chairman of the Industrial and Commercial Finance Corporation
Notwithstanding the 1949 Parliament Act, the Labour leadership maintained a pragmatic line about the Upper House. Peter Dorey has emphasized how what appeared to be the Lords’ negative characteristics – ‘undemocratic, unrepresentative and unaccountable’ – turned out to be assets for those who wanted a strictly subordinate role to the Commons. 102 Of course, sheer constitutional conservatism, a Labourite acceptance of historical forms, might have been a strong factor – or at least a suspicion of radical change in this respect.

The tone of practical bicameral acceptance was set during the wartime coalition – removed from the more firebrand type of Labour abolitionism in the 1930s, though, in fact, the basic existence of a Second Chamber and Labour nominees to it had been given some legitimacy in a special report at the time of the party’s Edinburgh conference, in 1936. 103 Over the subsequent decade, this guideline for Labour patronage remained in place. Near the beginning of the post-war Labour Government, and obliged as he was to mount a small ministerial team in the Upper House, Clement Attlee asked the 39-year-old Frank Pakenham (who had recently failed to win election to the Commons): ‘Would you care to help us in the Lords?’ 104 If, in the past, there had been class or cultural, concerns about the ‘aristocratic embrace’, a stifling of the original spirit of radicalism, by the 1950s the pragmatic demands of party managerialism offset any possibly negative flirtation with a class enemy. 105

103 The party historian, G.D.H. Cole, saw the practical advantage in Labour involvement: ‘pageantry is not in itself objectionable. There is a great deal to be said for encouraging it on the right lines.’ ‘...so long as the House of Lords continues to exist, the Labour case must be competently presented there’. He added: ‘Further, the creation of Peers in large numbers may prove to be the only possible way to abolish the House of Lords’. Cole, A History of the Labour Party from 1914 (1948), p.344.
105 Nicholas Owen has written of the inter-war period: ‘Governing, more than agitation and lobbying, allowed Labour to make good its promises of practical and popular social improvement, necessary for it to claim to be the people’s party, but it also raised the question of how far its representatives should adapt themselves to the existing traditions.’ Owen, ‘MacDonald’s Parties: Labour and the ‘Aristocratic Embrace’, 1922-1931’. Twentieth Century British History, Vol. 18, No. 1, (2007), p.9.
Constitutional norms were followed, therefore reducing any dissonance or discomfort about fielding a presence in the Upper House. In this process of ‘normalization’, the well-upholstered courtesy and instinct for conciliation of the House of Lords played a significant part, offering harmony without the menace of alienation.

In the particular interpretational light favoured by Ralph Miliband, ‘erstwhile agitators’ were turned into ‘subdued parliamentarians’. But the reality was neither so narrow nor so polarizing: constitutionalism and a social democratic approach were not simply Labourite compromises with the established machinery of the state, but part of a natural disposition to operate within its institutions.

The two main shortcomings facing Labour in the Lords were the small size of its representation, as already alluded to, and the fact that its peers were ageing: both Viscount Jowitt and his successor as party leader in the Lords, Alexander of Hillsborough were 70-years-old in 1955, when the former handed over to the latter; by contrast, the almost parallel change in the overall party leadership, between Attlee and Gaitskell, did reflect a generational shift.

P.A. Bromhead described active Labour peers as ‘tending to form a rather self-consciously coherent group’ -- more so at any rate than their Conservative opposite numbers. ‘In view of the circumstances of their appointment to the House of Lords this is hardly surprising, and the fact that they are in a permanent minority accentuates the same tendency. Furthermore, a relatively large proportion of the active Labour peers

sit on the Front Bench.”\textsuperscript{108} It was probably their compact nature as a group – more than half of all Labour peers had previously sat in the Commons -- and their need to cover the entire range of policy topics which bonded them in organizational terms. Also, unlike their party colleagues in the Commons, the Labour peers did not engage in internecine fighting, whether ideologically or personally driven. There was no ‘party within a party’, as Attlee referred to the Bevanite dissidents in the Commons, in 1952.\textsuperscript{109} So, issues like German rearmament and defence spending did not prove divisive in the more tranquil atmosphere of the Lords.

Most of the relatively small number (approximately 30) of Liberal peers can be described as ‘non-active’, mainly absent from the House; a superannuated air hung over the depleted Liberal benches.\textsuperscript{110} The party had lost the descendants of the Victorian Whig grandees (e.g., Lansdowne, Granville and Devonshire), but did retain some of the more recent Liberal families, with wealth and political positions acquired over the past two or three generations -- such as Swaythling (3rd Baron), a landowner, banker and farmer, whose grandfather had been a Liberal MP; Wimborne (2nd Viscount), a former National MP in the 1930s; and Airedale (3rd Baron), whose father was a major Yorkshire industrialist and Liberal MP; Trent (2nd Baron), of the pharmaceutical company, Boots’ dynasty, as well as a party benefactor. A more familiar and active figure in the Lords, as Deputy Speaker and sometime Liberal Whip, was Mersey (2nd Viscount); his father had been a Liberal Unionist MP and judge, originally ennobled in 1910.

The party had lost some peers through defection by the end of the Attlee

\textsuperscript{108} Bromhead, House of Lords, p.44.
\textsuperscript{110} (The 2nd) Baron Stanmore had been a parliamentary candidate as long ago as 1900, and Liberal Whip in the Lords for a thirty-year period, starting during the Asquith Government; and Lord Clwyd had been a Gladstonian Liberal MP, 1892-1918.
Government, because of their antipathy to what they saw as the repercussions of a Labour administration and the shortcomings of the Liberal Party’s resistance. The defectors included (2nd Baron) Rennell, (2nd Marquess) Reading, (2nd Marquess) Willingdon, and (3rd Viscount) Cowdray; the first two had been, and remained, active peers (Reading becoming a Conservative minister) -- both of them ‘able speakers’, with ‘notable contributions to many of the great debates in the House of Lords since the war’, according to The Times’ report. Reading had been ‘particularly concerned with the expanding number and power of the bureaucracy and with the protection of the Courts of Justice from encroachments on their functions’. Others, who had in the 1930s adopted the Liberal National or National Liberal party label, such as Viscount Simon, Lord Teviot, its nominal leader, and the Earl of Rosebery, sat separately from the mainstream Liberals.

In the small group of active Liberal peers were Amulree (2nd Baron), a physician, and Rea (2nd Baron), the son of a sometime Liberal MP. Both served as Chief Whip; Rea became leader of the Liberal peers in 1955. His predecessor, Viscount Samuel, appeared in his later career as a figurehead on behalf of the fortunes of his party, as well as its philosophical voice. An elder statesman, who had originally served in Campbell-Bannerman’s ministerial team from 1905, he was the author of books, such as Belief and Action; at the age of almost ninety, in 1958 he was admitted to the Order of Merit. In the 1950s, perhaps his most passionate cause was reform of the House of Lords -- an enthusiasm shared with Viscount Simon, of the National

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111 As Richard Toye argues, an influential post-war discourse ‘was designed to incorporate Liberals and unaffiliated voters into ‘the truly national and patriotic’ (and Conservative) cause and to depict Labour’s nationalisation policies as the embodiment of the totalitarian state’. Richard Toye, ‘From ‘Consensus’ to ‘Common Ground’: The Rhetoric of the Postwar Settlement and its Collapse’, Journal of Contemporary History 48:1 (January, 2013), p.11.


Liberal/Liberal National faction. Samuel was generally sceptical of the hereditary principle, but also wished to have a Second Chamber with suitable nominees, not obliged to go through the arduous challenge of election.

Of comparable age and eminence, and still a commanding speaker in the Lords during the 1950s was Lord Beveridge. He maintained a formal Liberal connection, having briefly served as an MP towards the end of the Second World War, after the publication of his eponymous Plan for welfare reform. The Liberal Party’s direction in the immediate post-war period away from state socialism and Labourite centralism afforded Beveridge an opportunity to promote the virtues of voluntarism. (He chaired the Voluntary Social Service Inquiry in 1947.) 114 Another stalwart Liberal peer was Lord Layton, the former editor of The Economist, who remained a newspaper executive. He used the Lords as a platform for the bold idea of European unity -- and British participation in that fledgling project – seeing what he claimed to be its potential to be ‘one of the main buttresses of the whole free world’. 115

Regardless of the direction of party policy, the Liberal group in the Lords was not capable of acting as an effectively cohesive force – partly because of the party’s own confused ideological position. The parliamentary speeches of a few of its peers could not provide a dynamo for change or any basis whatsoever for a growth in popularity. However, their continuing presence did help to maintain the party’s voice during an electorally fruitless phase.

Generally, the narrowness in the Lords’ ideological spectrum seems striking:

114 HL Deb 23 March 1955 Vol 192 col.81.
115 HL Deb 06 November 1952 Vol 179 col.124.
against a great number of peers with implicit conservative-minded attitudes it was difficult to find those on a more progressive wing; Earl (Bertrand) Russell gave very occasional speeches; there was the oracular old-fashioned Liberalism of Samuel and Beveridge; while the socialist thinker, R.H. Tawney declined the offer of a peerage, leaving the Labour benches mainly the preserve of retired everyday politicians.\footnote{Tawney’s curt, written response when MacDonald offered him a peerage in 1933 —‘What harm have I ever done to the Labour Party?’— has passed into Labour legend.’ Lawrence Goldman, ‘Tawney, Richard Henry’, ODNB}

v. A SLOW TRANSFUSION

The changes in the membership of the Lords were incremental, allowing for a limited reinvention of the parliamentary body in advance of the ‘blood transfusion’ credited by Lord Hailsham to the life peerage reform of 1958.\footnote{Lord Hailsham, The Door Wherein I Went (1975), p.193.} So, the nature of the new appointees in the 1951-1958 period deserves attention as a subject, demonstrating how the trend of such patronage favoured a mix of party politicians, public service figures and leading businessmen and industrialists.

Above all, despite the obvious lack of a diverse profile, this was not a House which embodied cohesive interests or contained overriding bonds between the large number of individual peers. Although the previous linkage between social position and a political role in the nation’s affairs had become outdated, any supposed boost for the Lords from the ‘eminence’ of newer peers was uncertain in practice. There was no assurance that the eminence of any individual who was rewarded with a peerage would produce a high level of contribution to the deliberative functions of the House. A sometimes uneasy equilibrium between partisanship and free subjective opinion
marked the identity of the Lords. Also, the influx of new peers did not automatically lead to enlivened debates or more intensive deliberation, though a small number of those appointed over the 1940s and 1950s (e.g., Stansgate, Vansittart and Winterton) relished a provocative approach to their chosen issues in the Lords.

In the late-1940s, consensus over reforming the Lords had been elusive overall, yet the cross-party talks had produced total support for a criterion of membership of the Lords: -- confirmed in the summary of proceedings: ‘It was regarded as essential … that there should be available to the country a legislative body composed of men of mature judgment and experience gained in many spheres of public life’. 118 Much of the discussion of how to reform the Lords leaned towards a more ‘modern’ view of its composition, attempting to enhance the working performance of the Upper House, though in practice the evolutionary process of change lacked systematic restructuring or full operational effect.

These characteristics can be highlighted by looking at the new appointments to the Lords. Patronage often followed a party political bias. This, in turn, reinforced a certain loyalist or tribal platform within the Lords, creating lines of continuity for ‘old hands’ from the Commons. Of Churchill's 1951 Cabinet, all but the Prime Minister himself eventually completed their political careers in the Upper House. Yet, as a body, it was by no means simply a mature version of the chamber at the other end of the Palace of Westminster. But, besides the formal honour involved in being awarded a peerage, the patronage and new influx were not the basis for any strengthened bicameral ideal.

118 Parliament Bill, 1947: Agreed Statement On Conclusion Of Conference Of Party Leaders, February-April, 1948. Cmd.7380. Section 11. The inclusion of women, for the first time, in a reformed Lords had already been mooted in the 1920s, with several (failed) attempts in the wake of the Lady Rhondda case to allow hereditary peeresses to take sats in the chamber.
The party political appointments followed on from the pattern prevailing during Churchill’s wartime administration, when many former MPs were elevated: 34 (58% of the total created peerages), as well as the relative maturity of new peers, with an average age of just over 63, reflecting relative seniority.\(^{119}\) In the post-war Churchill administration, with a set of 36 appointees, the predominant section consisted of former MPs: 26 (72.5%). The list includes Baron Turnour (Earl Winterton, in the Irish peerage, who had been a long-serving MP) and Baron Glassary, a new title for the former MP who had successfully applied to revive a dormant title and become 11th Earl of Dundee.

The pattern of appointments to the Lords was, by now, a consistent one, with an emphasis on rewards for parliamentary service, as well as a useful means of sustaining the running of the Upper House, particularly on the depleted Labour side – though after 1951 Labour did not nominate a single new peer, excepting an earldom for its former Prime Minister, Clement Attlee, until the introduction of life peerages.\(^{120}\) These new peers’ average length of service in the House of Commons was 20.5 years. Experienced politicians were already conversant with parliamentary procedure and speech-making; they could also be relied upon for a degree of party discipline.

\(^{119}\) In the 1940s, it was by no means a prerequisite that these appointees were non-hereditary – *i.e.* without an heir to the particular title. Yet, in the overall list of peerage creations, 27 (46% of the total) were effectively non-hereditary, because there was no heir – including the life peerages for most Law Lords.

\(^{120}\) In 1941, when it was announced that there would be four new Labour peers, the official wording was significant: ‘These creations are not made as political honours or rewards, but as a special measure of State policy. They are designed to strengthen the Labour Party in the Upper House, where its representation is disproportionate, at a time when a Coalition Government of three parties is charged with the direction of affairs’. ‘Four New Labour Peers Strengthening the Party in the Lords’, *The Times*, 22.12.1941. In 1955, one of these appointees, Viscount Stansgate unsuccessfully tried to introduce legislation which would allow his son, Anthony to renounce his title on succession, and so avoid disqualification as an MP. It would take another eight years – and after Stansgate’s death – until the law was finally changed.
Within the intake of former MPs during the 1951-1955 Parliament were two former ministers, Sir John Anderson (Viscount Waverley) and Sir Arthur Salter. Their credentials were not those of long-term politicians. Both had been distinguished civil servants: Anderson at the Home Office and in Indian state governorship; Salter was also Gladstone Professor of Political Theory and Institutions at Oxford University. Two (still serving) political leaders outside the Westminster Parliament were also appointed: Brookeborough, the Prime Minister of, Northern Ireland, and Malvern, PM of the Federation of Rhodesia and Nyasaland.

Of the remaining new peers who were not former MPs, three were prominent company chairmen: Baillieu (Dunlop), Grantchester, a sometime Liberal parliamentary candidate (London & Manchester Assurance) and Strathalmond (BP). Indeed, the only new peer who had not served as an MP, judge, senior company director or in government service was Lord Adrian, eminent physiologist and Master of Trinity College, Cambridge (an appointment at the behest of government). As contributors to Lords debates, we can categorize their level of activity: Adrian was an occasional speaker, mainly on scientific subjects; Grantchester, regular; Baillieu, occasional, mainly on industry, and Strathalmond, not registered in Hansard as having spoken.

In this collective profile of the individuals who were ennobled, ten (28%) had attended Eton; an equal number were at other major public schools. Eighteen (50%) had studied at Oxford or Cambridge Universities; 10 (28%) at other universities

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121 Adrian’s nomination followed the earlier appointments of scientists and physicians, such as Lords Kelvin (ennobled, 1892), Rutherford (1931), Dawson of Penn (1920) and Horder (1933) – the last two, both royal physicians who contributed to Lords’ debates, and, indeed, helped to develop the Upper House’s propensity for discussing subjects of social and ethical policy, primarily in public health, which a far more partisan and government dominated Commons had little time for. Later medical figures who would join the Lords included Lords Moran (Charles Wilson, Churchill’s personal physician, ennobled, 1943) and Webb-Johnson (1948).
(mainly in Scotland and London); and 4 (11%) at Sandhurst. Another ‘marker’, used throughout this analysis, for peers’ social profiles is membership of London gentlemen’s clubs. All but five of these new peers recorded themselves in contemporary reference books as belonging to specific clubs: 10 (28%) were at the Carlton; 6 (17%) at the Athenaeum. Several belonged to more than one club.

The average age of these new peers on accession was 64.8. In the 1955 Parliament -- pre-Life Peerages Act -- the average age was 61.9. The new peers’ personal backgrounds in this latter Parliament did not vary significantly. Former MPs – all, besides Attlee, Conservatives/Unionists -- accounted for 43% (16 individuals) of the total. A number of these MPs (including Osbert Peake, Viscount Ingleby, Gwilym Lloyd-George, Viscount Tenby, and Harry, Viscount Crookshank) were sometime senior ministers in the post-war Churchill Government. The ennobled non-politicians tended to match a conventional type: senior business figures like Sinclair of Cleeve, chairman of Imperial Tobacco, and Rootes, the motor manufacturer; a retired senior civil servant, Edward Bridges; the Chief of the Imperial General Staff, Harding of Petherton; Baron Spens, who had been Chief Justice of India and a Commissioner of the Imperial War Graves Commission; and the physician, Baron Cohen of Birkenhead.

Overall, the qualities of these new peers seemed to be irreproachable, stemming from careers spent in active fields of public service. The imprint of personal religious formation was clear in the Methodist backgrounds of J. Arthur Rank (flour milling and film production; ennobled in 1957); and Viscount Mackintosh (confectionery manufacturing and Chairman of the National Savings Committee, whose barony, created in 1948 was upgraded in 1957).

Implicit in this period of peerage creation was a rejection of any previous taint
of corruption during Lloyd George’s premiership. A greater transparency and legitimacy in the linkage between political and financial cultures helped to have a cleansing effect, as well as lifting any suspicion from the Lords as a whole. Entrepreneurship and new, or enhanced, wealth were still -- selectively -- rewarded with peerages, geared much more to the industrial rather than agricultural sector. Incoming business peers included the industrialists, Percy Mills (who became a Cabinet minister), Ronald Weeks (the head of Vickers) and Frederick Godber (head of Shell); their leadership experience at major public companies, together with important service on behalf of the state, underlined their exemplary credentials. Weeks and Godber contributed to a debate on engineering and scientific education in 1956, but rarely otherwise; Mills, following the end of his ministerial career, spoke on only a few occasions.

vi. A FINANCIAL ARISTOCRACY?

On the Left, an earlier type of (largely outdated, class-based) image of the Lords continued, whether through caricature or rhetorical device. Aneurin Bevan was scornful of an Upper House whose discussions, he believed, were ‘concentrated expressions of group prejudice’, deriving from wealthy vested interests. Writing in 1961, about the general context of business power and influence, the academic, Sam

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123 The oil magnate, Lord Bearsted (ennobled, 1921) stated in his *Who’s Who* entry how he had received official thanks for his wartime contribution to fuel supplies, adding: ‘Peerage bestowed for eminent national and public services’. He had turned over his country house into a temporary hospital for non-commissioned officers, as well as being a major philanthropist and J.P. The proportion of the appointments to the Lords of this ‘wealth class’ out of the overall total of new peerages had dropped in the course of the 1930s from the mid-40s to mid-30s in percentage terms; then, in Churchill’s wartime government to 17 per cent.

124 ‘The landlords and the industrial magnates who form the vast majority of the House of Lords, are no more capable of objective judgment than a crowd of licensed victuallers trying a confirmed teetotaller’. Aneurin Bevan, *In Place of Fear* (1952) p. 101. ‘This pretence of bringing together a number of neutral sages to give disinterested political guidance to the nation on controversial issues is a fraud’.
Aaronovitch argued that ‘the top stratum of the capitalist class’ was in a position to decide government policy, ‘acting not simply with a view to their own particular interests but from their conception of the interests of their class as a whole.’

Yet, the Upper House was by no means synonymous institutionally with these supposed frameworks of power, influence and wealth, though various leading lights of this ‘top stratum’ happened to hold peerages in the 1950s, and so could use Parliament as a sounding-board if they wished. The Lords cannot be treated in this period as a locus for any collective interest (if such existed) of a financial aristocracy, despite the personal wealth of individual members. In practice, this kind of elite wealth group was not likely to represent a plutocracy or form an oligarchic network.

P. A. Bromhead, in 1958, made a clear distinction in the type of business peerages awarded at this point, now less likely to be magnates ‘for their public benefactions’: ‘the biscuit kings and the baking powder kings of an earlier generation have tended to be superseded, among the ranks of the newly-ennobled, by ‘managers’ who have risen in the service of already established companies.’ At a time when the state played a major role in economic organization, overlapping with private enterprise, some prominent peers reflected a ‘public-spirited’ approach, but not necessarily through exposition in the parliamentary chamber.

Indeed, business figures with peerages were either preoccupied elsewhere or

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127 Bromhead, *House of Lords*, pp.24-25. Bankers and industrialists, such as Lords May (ennobled, 1935) and Catto (1936) had experience in both the private sector and public duties: May, supervising the introduction of tariffs in the 1930s, a cornerstone of government economic policy, and Catto serving as an unpaid senior Treasury adviser during the Second World War and, later, Governor of the Bank of England.
did not regard Westminster as a suitable place for deciding government policy. 225 peers in the middle of the 1950s were registered in the 1956 edition of the *Directory of Directors*. Also, presiding over the biggest and most prestigious representative body of company directors, the Institute of Directors, taking in both private and public companies, was Viscount Chandos (formerly, Oliver Lyttelton); three of the six Vice-Presidents were also members of the Upper House, the Earl of Derby, the Earl of Dudley and Lord McGowan – none of whom regularly attended the Lords. 128

One trope of aristocratic life, exemplified by the (3rd) Earl of Dudley and the (5th) Earl of Verulam had at its centre a ‘powerful landed interest which combined … prestige of inherited social position with progressive, market-oriented ambitions’. 129 However, the low parliamentary profile of both peers in the mid-1950s signified a business career which did not rely on contributions to the Lords. 130 Only a small number of these financial figures maintained a steady parliamentary involvement. One example was (the 2nd) Lord Luke (present at 38 sittings in 1955-1956). 131 He held high-profile public service roles, including, in the 1950s, chairmanship of the National Playing Fields Association. So, in the House, he was more likely to voice concerns about the provision of playgrounds in new towns than argue for changes in

128 McGowan, at the helm of ICI, voiced his faith in a cartel system and strategic co-operation with government in the few speeches that he delivered to the Lords. In his maiden speech, in 1937, McGowan emphasized ICI’s keenness to be part of a co-ordinated national energy-production plan. *HL Deb* 14 July 1937 Vol 106 cols.437-442.


130 Dudley, from an original landowning base, diversified into manufacturing areas such as bricks and welding machinery, combined with bank directorships. Verulam fused old-fashioned paternalism with an active interest in business and science; electrical engineering, zinc production and early experiments in wind power were amongst his commercial ventures.

131 Luke took over as chairman of Bovril, the company whose products were developed by his grandfather, an Edinburgh food manufacturer. He continued to expand it, while gaining directorships in other areas, from Lloyds Bank to IBM; he also served as chairman of the Advertising Association.
government policy towards the business sector.\textsuperscript{132}

An occasional attender, (the 2\textsuperscript{nd}) Lord Kindersley, a director of the Bank of England, chairman of Lazard Brothers and the British Match Corporation, made contributions to Lords’ debates which tended not to revolve around either his financial interests or expertise, but dealt, instead, with; military concerns. (He had served in both World Wars as an officer in the Scots Guards; latterly, as a temporary brigadier.) Nevertheless, the question of personal and social connections at the top tier of companies remained a sensitive one. Kindersley’s connections and activities came under the spotlight, after allegations in 1957 that privileged information regarding a change in the Bank Rate were improperly disclosed to newspapers, leading to the setting up of a tribunal of inquiry; it generally dismissed the allegations and exonerated Kindersley. \textsuperscript{133}

An academic study, published in 1959, set out to explore these connections in the wake of the tribunal report. \textsuperscript{134} Kindersley, for example, is traced through a structure of kinship links, set out in hand-drawn diagrams, as are many other hereditary peers. According to this chart, Kindersley was connected, directly and indirectly, with more than fifteen other peers (in some cases within the same family).\textsuperscript{135} However, the study’s conclusions do not automatically point to ‘Establishment’ cabals or conspiracies: ‘top decision makers” as well as being linked by kinship, business interests and similar background, are also divided by competing, even conflicting interests. Indeed, kinship itself, in certain circumstances, may act as a divisive as well

\textsuperscript{135} Ibid., Diagrams 22 and 24, pp.50-51.
as a unifying force.' 136

While external critics still attributed something like a cabal-like power to the aristocracy, later interpretations have occasionally lamented the cultural effects of a noble decadence which was allegedly corroding capitalism, defeating its entrepreneurial dynamism. 137 As counter-examples to such 'declinist' viewpoints, the personal backgrounds of many peers did reflect financial and business vibrancy.

An account of the post-1945 aristocracy highlights 'a phenomenon': the 'man who is of old family but newly rich'. ‘Whereas younger sons of the landed aristocracy in the nineteenth or early twentieth centuries mostly went into the Services and retired with no more than a pension and a younger son’s portion, more recently they have gone into business and frequently ended up as rich as, or richer than, their landowning brothers’. 138

There were several examples of a boost to a family's worldly fortunes, based on work in industry: (The 2nd) Viscount Knollys, son of a royal civil servant, became Chairman of BOAC and the engineering conglomerate, Vickers; also, director of Barclays Bank and International Nickel Co. of Canada. He served public roles, in wartime, as Governor of Bermuda, and, in the early-1950s, as Minister (responsible for raw materials) at the British Embassy in Washington. The 2nd Baron (later 1st Viscount) Rochdale (unusually in the Lords, a science graduate) joined the family

136 Ibid., p.45.
137 For Perry Anderson, ‘the practices of the amateur and the nepotist spread from the councils of state to the boardrooms of industry.’ By the 1950s the ‘conquering entrepreneurs of the mid nineteenth century had become mediocre executives in the mid twentieth.’ Anderson, English Questions (1992), p.44. Martin Wiener took this cultural critique further. Note the use of the epithet, ‘aristocratic’. Through the ‘mechanisms of social absorption, the zeal for work, inventiveness, material production, and money making gave way within the capitalist class to the more aristocratic interests of cultivated style, pursuits of leisure, and political service’. Wiener, English Culture, (2nd ed., Cambridge, 2004), p.13.
woollen manufacturing company in Lancashire, eventually succeeding his father as chairman, and was on various other company boards (including a bank and iron producer) -- as well as being a BBC Governor in the 1950s.

Distinctions between an upper class and an industrialist cohort, or aristocracy and bourgeoisie, are not always helpful for understanding the Peerage in the mid-twentieth-century. Although many in the aristocratic landowning elite were forced, through death duties or poor investment returns, to sell houses and acres, others were able to draw on disparate business involvements, a portfolio of active and profitable interests, to overcome the financial challenge. As David Edgerton argues, though with an over-generalizing zeal: ‘The British aristocrat had become a plutocrat, a rentier, an owner of capital in the abstract, a passive beneficiary of the labour of both workers and managers, on a grand scale’. 139 Being a landowner and a banker or industrialist were by no means exclusive of each other. There was certainly no automatic decline in fortunes within all noble families.

By the 1950s, among Conservative MPs were several independent businessmen and company directors -- outnumbered by those who had been in public service and the law.140 While it would not have made practical sense for prominent players in the corporate world to join the Commons; the Lords represented a more convenient political berth for such figures, not least because of the minimal duties entailed by membership. A figure like Sir Peter Bennett, the MP for Birmingham Edgbaston and major industrialist (Lucas motor company) actually made this transition

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140 Some Conservative MPs were already established in family-owned firms -- *e.g.* Spencer Summers (steel-makers), Leonard Ropner (shipping) and Isaac Pitman (the eponymous family publishing company). A few others had previously worked their way up to the boardroom, such as Gerald Nabarro and Harmar Nicholls, who founded a company with various interests, from paint distribution to hotels.
between the Commons and Lords, receiving a peerage in 1953 and attending regularly. But the Lords did not promote a corporatist and financially-centred ethos.

While many businesses chose to appoint peers to their boards, sometimes for the purpose of gaining political access or for burnishing social credentials, it was also true that a large number of these ‘gentlemanly capitalists’ were active in their professional capacity, as entrepreneurs, managers and business executives. Family links to certain companies also spanned the generations, giving a hereditary complexion at times to business; that might either reflect or create dynastic patterns within the peerage as a whole. (Among these may be counted Palmer, of Huntley & Palmer, and Leverhulme, of Unilever.)

The substantial proportion of peers with directorships, and the similarity of social background in many cases, did not create anything like a singular business interest -- nor a viewpoint or a vested interest which could be represented on the benches of the House of Lords. Those peers actually in executive positions in companies were preoccupied by immediate commercial matters. Then, the diversity of their business commitments across different sectors, including ‘old’ and ‘new’ industries, private enterprise and state control, metropolitan- and regional-based firms, would not have made for anything like a homogeneous elite. Few of these ‘financial’ peers were more than occasional contributors to Lords’ debates, and so non-involvement in Parliament would have undercut such a common cause there, anyway.
CHAPTER 2: A PARLIAMENTARY PRESENCE

This chapter looks at the Lords in terms of participation by individual peers, the different bands in which the frequency of their parliamentary appearances can be measured. Through this prism, we have a view of the varying engagement at Westminster of types of members of the Lords between 1951 and 1958. It is striking that there are few major variations in collective type between these designated categories of peers, though any such differences – above all, in the greater involvement of peers with more recently created titles – are noteworthy. The analysis uses as its basis the name lists of two prominent voting-divisions from this period: those who supported, at its Third Reading, the Television Bill (allowing for a new commercial service and an end to the BBC monopoly), in 1954, and those who opposed the abolition of capital punishment, in 1956, when an unusually high turn-out of peers – many of them, infrequent attenders – voted down a Bill which had been passed by the Commons. The ‘backwoodsmen’ – those who attended rarely -- might feel some gravitational pull towards the Lords (also possibly summoned by the whips) if the subject of a debate roused their feelings or convictions.141

In order to gauge and assess the varying levels of peers’ engagement in the Lords, as well as the types of those peers, the tabulation here is designed to reflect proportions, respectively, of (1) the total cohort of the peerage, as featured in the context of this thesis – i.e. 1,003 individuals; (2) a sub-group of frequently attending peers – i.e., those registered at 66% or more sittings, in the 1955-1956 session; (3) a

141 The ‘backwoodsman’ type has been defined as those peers ‘who spent most of their time on their country estates, cared little for national politics and participated less, almost never appeared in the House of Lords, but could be relied upon to come to Westminster in vast numbers to veto seriously threatening Liberal legislation’. Gregory Phillips, The Diehards: Aristocratic Society and Politics in Edwardian England, (Cambridge, Mass. 2013; orig., 1979), p.2. Anthony Trollope referred to the ‘backwoodsman’ in his novel, Marion Fay (Vol. 1, 1882, p.5): ‘Perhaps the freshness and edge of his political convictions had been blunted by that gradual sinking down among the great peers in general which was natural to his advanced years. A man who has spouted at twenty-five becomes tired of spouting at fifty, if nothing special has come of his spouting.’
sub-group of regularly attending peers, in 1955-1956 – at 33% or more sittings; (4) a sub-group of occasionally attending peers, in 1955-1956 – who were registered as present at 15 sittings or more.

These four categories form the main sets for classifying the varying levels of ‘active’ peers and their background characteristics. There will also be consideration of peers who either rarely or never attended Westminster. By their nature, these (multitudinous) peers were an amorphous and incidental group. But even their absence would be a factor behind some proposals for reforming the Lords. Therefore, the question of who they were does warrant examination. The analysis includes all peers – regardless of what David Cannadine refers to as ‘patrician marginality’ -- so that a collective profile can be drawn of the Upper House, and in comparative terms of sample sub-groups with any distinctive traits. ¹⁴²

Attendance statistics demonstrate that the business of the House rested on the involvement of a solid core of peers, augmented by a rotating contingent of their colleagues on a fairly regular basis – giving a total of more than one-quarter of the total membership. These attendance figures were also studied in detail within government by Lord Salisbury, whose schemes for a reconstructed membership will form part of the subject-matter of Section 3 of this thesis. Essentially, Salisbury was anxious not just about having an operational Upper House, but one which was perceived to have a diligent membership.

Peers’ parliamentary attendance and speeches are recorded in the *Journal of the House of Lords* and *Hansard*. For the main purpose of compiling and highlighting attendance, the specific volume of the *Journal*, which records the sittings of the 1955-

1956 parliamentary session, has been used as the central statistical index here; over a prolonged session (about seventeen months in duration), it happens to fall roughly halfway through the designated period of this thesis, as well as covering most of the Eden premiership, and, given the high-profile two-day ‘conscience’ debate and vote on whether to abolish capital punishment, in July, 1956, it allows an insight into peers’ comparative levels of overall engagement with the Upper House over a finite time-span, taken as indicative for this analysis.

<table>
<thead>
<tr>
<th>Number</th>
<th>All Peers</th>
<th>Frequent Attenders</th>
<th>Regular Attenders</th>
<th>Occasional</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,003</td>
<td>33</td>
<td>79</td>
<td>142</td>
</tr>
<tr>
<td>C20 Creations</td>
<td>469 (47%)</td>
<td>16 (49%)</td>
<td>60 (76%)</td>
<td>90 (62.5%)</td>
</tr>
<tr>
<td>1st Generation</td>
<td>237 (24%)</td>
<td>9 (27%)</td>
<td>39 (49%)</td>
<td>55 (38.5%)</td>
</tr>
<tr>
<td>Former MPs</td>
<td>157 (15.6%)</td>
<td>10 (30%)</td>
<td>31 (39%)</td>
<td>39 (27.5%)</td>
</tr>
<tr>
<td>Military</td>
<td>315 (31.5%)</td>
<td>10 (30%)</td>
<td>19 (24%)</td>
<td>40 (28%)</td>
</tr>
<tr>
<td>Eton</td>
<td>454 (45%)</td>
<td>13 (40%)</td>
<td>29 (37%)</td>
<td>65 (46%)</td>
</tr>
<tr>
<td>Major Pub.School</td>
<td>198 (20%)</td>
<td>10 (30%)</td>
<td>17 (21.5%)</td>
<td>33 (23%)</td>
</tr>
<tr>
<td>Oxbridge</td>
<td>440 (44%)</td>
<td>15 (45%)</td>
<td>36 (45%)</td>
<td>77 (54%)</td>
</tr>
</tbody>
</table>

Although the band of most frequent attenders (66%+ of all possible sittings) had a greater proportion of older-established peerages – yet still a minority compared to more recent creations -- this can partly be accounted for by the duty-bound senior Conservatives on the government side, such as the Marquess of Salisbury (whose ancestral title dated back to 1603), the Chief Whip, the Earl of
Fortescue (1746) and his assistant, the Earl of Onslow (1716). There was only a small number of younger ministerial peers, duty-bound to be often in the House – for example, Carrington, Mancroft and the Marquess of Reading – the last two being sons of ennobled politicians.

The facet of a Conservative government front-bench with inherited titles was becoming anachronistic: the later Conservative administration, under Edward Heath, in 1970, contained peers whose titles mostly were of twentieth century origin; a pattern which has not since been reversed. At the start of the Churchill post-war administration, the front-bench also included prominent co-ordinating figures (‘Overlords’) who were themselves relatively new to the Upper House – Cherwell, Woolton and Leathers. Neither aristocratic nor career politicians, their credentials, both as peers and in the governmental structure, were based on professional qualifications and experience – in academic work or business: a pointer to how the post-reform Lords would draw on ‘meritocratic’ recruits.

On the Labour benches, there were few frequent attenders who happened to be hereditary peers with old titles, such as the Earl of Listowel (1822), the 10th Baron Strabolgi (1381) and the Chief Whip, the Earl of Lucan (1776). However, the leading spokesmen, such as Alexander of Hillsborough, Silkin and the veterans, Pethick-Lawrence and Jowitt, were all former ministers, ennobled in their own right. Overall, regular involvement was becoming far more the domain of peers of post-1900 vintage, many of whom had been ennobled themselves, rather than those who had inherited older titles.

Collective attendance provides a gauge of peers’ visibility in the chamber, with some signs of how vital, or otherwise, the Lords happened to be. Out of a total of 856
eligible peers early in the 1951-1952 parliamentary session (which included 106 sittings), 270 – almost one-in-three – did not take the oath or attend even once. In order to grade the various levels of activity, attendance can be divided into three sets of bands. These show the preponderance of peers with titles created in the twentieth century.

**FIGURE 5**

In 1953, the Secretary of the Hansard Society, Sydney D. Bailey, extended an analysis, based on voting-divisions in the Lords over the first two sessions of that Parliament. In the 31 divisions, the average number of peers participating in each division was 78; in four of them, more than one hundred peers. A total of 296 voted

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during this period. In party terms, 51 were identified as Labour, 14 Liberals, 8 Independents, and 218 peers 'who could be regarded as Conservatives'.

As a sub-group, these frequently attending or most active peers reflected hybrid characteristics: 7 held high-ranking official positions in their own counties, as magistrates or Lords-Lieutenant or deputy lieutenants; Out of the total number (1,003) of peers eligible to sit in the Lords in the designated period, 62 (6%) served as Lords-Lieutenant, or the equivalent position, in their respective counties; many more in other shire or civic roles, including Deputy Lieutenant, Sheriff and Mayor; a place on the magistrate’s bench was a further public responsibility. All these posts testified to the continuing tradition in county and local government, detached from the 'high politics' of Westminster. 10 (30%) can be classified as 'military' peers – i.e., having trained at a military or naval establishment and/or served in the regular forces outside the two world wars; 13 (40%) went to school at Eton College, and a further 10 (30%) were at other major public schools.

A regular level of involvement at Westminster (in this case, 33%+ of all possible sittings) was becoming far more the domain of peers of post-1900 vintage, many of whom had been ennobled themselves, rather than those who had inherited older titles. The trend becomes marked when looking at the participation of regularly or occasionally attending peers. Among the 79 names of those whose appearances gave the Upper House a sense of everyday workability as a deliberative body, 60 held titles

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145 The practice of appointing a permanent Lord-Lieutenant to command a shire militia and recommend the appointment of JP's goes back to Tudor times. By the twentieth century these powers had been modified in practice, but vestiges of ceremonial kudos remained, particularly for major landowning peers. See F.W. Maitland, The Constitutional History of England (1908), pp.234-235.
created in the twentieth century, and about two-thirds of these had been ennobled themselves. The line of direct patronage allowed for some speakers to engage in debates across a range of issues: the Labour peer, Lord Chorley and the former colonial governor, Lord Milverton. Milverton (formerly Arthur Richards, governor of Jamaica and Nigeria) was among a small number of colonial civil servants, to take seats at Westminster after their official retirement.

In most terms of collective social background, there was not a great deal of variation between this group of peers and the total cohort, though some nuances are worth highlighting as significant, beyond the detail regarding their relatively recent peerage origins. Another ‘marker’ of a generally less traditionalist mould is that 37% of this group were schooled at Eton, compared with 45% of peers as a whole; also, 24% can be accounted ‘military’ peers, compared with 31.5% of peers overall. A sign of the relevance of having parliamentary experience and the related professional political skills, lies in the fact that 39% of these regularly attending peers had previously been MPs, while that was true of fewer than half of the total cohort of peers (31.6%).

Membership of gentlemen’s clubs, suggesting formal association through well-established and distinctive centres of conviviality, also serves as a ‘marker’ in this analysis: 10 (30%) were members of the Carlton Club, historically bound up with the Conservative Party, 3 at the other major ‘political’ establishment, the Reform Club, while 11 of these peers belonged to one or more alternative clubs, including the Athenaeum, Pratt’s, the Beefsteak and White’s. The overlap between the House of Lords and Clubland in the 1950s, as we have seen, remains a sizeable one. However, it is striking that about double the proportion of ‘active’ peers were self-declared members of the Carlton, compared with the total cohort of pre-1958 peers.
A logical inference is that this particular sub-group featured men whose political affiliation was more pronounced than was the case with many less engaged fellow-peers. This trend is discernible, too, in the two other bands of active peers, though with slightly less emphatic contrast.

For former MPs, the Lords did offer the opportunity to continue a political career, with a ready deliberative platform but not encumbered by the need to campaign for the popular vote in a local constituency. (39% of the sub-group of regularly attending peers – a fulcrum behind the everyday performance of the chamber – had been MPs, compared with 15.6% of all peers.)

If some former long-serving MPs – most prominently, Stansgate and Winterton, as we shall see – courted controversy through their intensive involvement in the Lords, at the other end of the spectrum of activity were the ‘backwoodsmen’ and absentees; these peers hardly registered in parliamentary proceedings, though as a group or type they would feature as a problematic factor in the devising of proposals for a more efficient reformed Lords. Some of these hereditary scions never appeared at Westminster because they lived abroad, anyway. The ‘backwoodsmen’ – those who attended rarely -- might feel some gravitational pull towards the Lords (also possibly summoned by the whips) if the subject of a debate roused their feelings or convictions.¹⁴⁶

Using the Division Lists following the lengthy Third Reading debate in the Lords

¹⁴⁶ The ‘backwoodsman’ type has been defined as those peers ‘who spent most of their time on their country estates, cared little for national politics and participated less, almost never appeared in the House of Lords, but could be relied upon to come to Westminster in vast numbers to veto seriously threatening Liberal legislation’. Gregory Phillips, The Diehards: Aristocratic Society and Politics in Edwardian England, (Cambridge, Mass. 2013; orig., 1979), p.2. Anthony Trollope referred to the ‘backwoodsman’ in his novel, Marion Fay (Vol. 1, 1882, p.5): ‘Perhaps the freshness and edge of his political convictions had been blunted by that gradual sinking down among the great peers in general which was natural to his advanced years. A man who has spouted at twenty-five becomes tired of spouting at fifty, if nothing special has come of his spouting.’
of the Television Bill (1st July, 1954), we are able to extrapolate factors and gain insights into the composition of the Lords. The particular controversy surrounding this policy area, the end of the BBC’s TV broadcasting monopoly and the coming of commercial companies, will be looked at in Section 2 of the thesis. But, here, the unusually high turn-out of voting peers provides an opportunity to project a composite profile of the Lords at the time.
In total, 193 peers (and one bishop) registered their vote. While 130 supported the Bill, 63 opposed it. The underlying pattern of this split broadly reflected the policy difference between the parties, with a whip in place on both sides. The core of the opposition was made up of the contingent of Labour peers, together with several Conservative dissidents. On the other side, the built-in Conservative majority in the Lords, regardless of which party formed the government, provided a solid basis of votes in favour, and a number of infrequent attenders heeded the call of the whips.

Breaking down the voting figures, and providing basic biographical data for the peers in question, we find that, of the 130 supporters of the Bill, 29 (22%) were first-generation (hereditary titles created for them) and 101 (78%) had inherited their titles and seats in the Lords. Of these latter peers, who had succeeded, 41 (41% of the sub-set, of second-generation or longer-established) held titles created in the twentieth century; 60 (59% of the sub-set) inherited older peerages. These figures indicate how the Conservative loyalist ranks relied on a traditionalist, more established aristocracy.

Another indicator pointing to a significant age differential between two classes of hereditary peers, the first-generation and older, is the average age of those entering the House of Lords. (Those peers inheriting as minors are assumed to have the base age for joining the Chamber as 21, irrespective of when they claimed their seats.) The first-generation average age is 59; the inheriting peers’ average age is 37. The logical explanation for this age differential is that conferred peerages were in recognition of service or achievement, and therefore were more likely to be awarded to those in late-middle age. On the other hand, the age of inheritance was purely determined by the timing of the end of the predecessor’s life --- whether a father, uncle,
brother or other kinsman.

An illustration of relative social homogeneity in the ranks of these 130 comes when we look at educational backgrounds. So, 70 (54%) attended school at Eton. A further 37 (28%) were products of other public schools. The remaining minority of 18% was made up of assorted day schools, overseas establishments, early training in the armed services, private tuition or otherwise unrecorded. At university level, Oxford and Cambridge colleges account for 78 out of the 130 -- i.e. 60%.

Out of the 130 peers in this sample, 31 (24%) had been MPs; some ennobled after years of service in the Commons, or, in the case of a few prospective hereditary peers, as professional politicians before succeeding to the Lords. As recorded, 105 of the 130 (81%) were club members: 35 (27%) belonged to the Carlton; 10 (8%), to the Athenaeum. Significantly, 15 of the 63 peers (24%) against the Bill happened to be members of the Athenaeum: a much bigger proportion than among the Bill’s supporters, and itself a token of the club’s own reputation for high-mindedness, and therefore hostility to the proposed cultural change in the broadcasting environment.

Another sidelight on these peers of the mid-1950s derives from their involvement in civic life, predominantly in voluntary causes such as charities or welfare bodies, or as patrician trustees and organisers of museums or educational institutions. The personal motives for this may be unfathomable: sometimes a spirit of ‘noblesse oblige’, traditional family association with good causes and more straightforward sense of public duty. The Leader of the Lords, the Marquess of Salisbury would later became Chancellor of Liverpool University and Chairman of the Commission on Historical Monuments. 44 (34%) of these peers held one or more positions at local
county level, whether as a Councillor, JP, Sheriff, Lord or Deputy Lieutenant.

As a sign of how the aristocracy maintained a form of class endogamy, marrying within its own social sphere, 57 of these 130 peers (44%) were either the offspring of alliance between noble families over the previous three generations or they themselves married a woman of similar background. The higher the rank of peerage, specifically, Dukes and Marquesses, the greater the occurrence of such connubial links.

Ranged against the TV Bill in July, 1954 were 63 peers. 43 (68%) of these had been created as peers in their own right; 20 (32%) had inherited. Again, there was an age differential between those peers of the first-generation---with an average age of entering the Lords of 61 --- while those who had inherited their place had a corresponding entry age of 45. As for educational background: 11 (17%) went to Eton; 15 (23%), other public schools. 14 (22%), mostly Labour peers, had had elementary schooling only, while others were the products of day schools, usually grammar or independent, private or overseas tuition, naval apprenticeship, or otherwise undisclosed. At university level, 23 (36%) had been at Oxford and Cambridge colleges; 11 (17%), at other universities; the remainder, at Sandhurst or naval college, technical college, or had no formal tertiary education.

The rejection of the legislative bid to abolish capital punishment, in July, 1956 (explored later, in Section 2), proved to be an issue which rallied a substantial number of ‘backwoodsmen’. For analytical purposes, this is a category of peer who attended Parliament on fewer than 15 occasions during the entire 1955-1956 session. In looking at the collective profile of these peers – 86 (36%, or just over one-in-three, out of a
total of anti-abolitionists – various characteristics are evident. Their schooling backgrounds are broadly consistent with the wider membership of the Lords. 44 (51%) had been at Eton; 30 (35%) at other major public schools. 10 (11.6%) were former MPs: a reflection on how a peer who had previously served as a professional politician was less likely to fit the ‘backwoodsman’ mould after entering the Lords.

This group of ‘backwoodsmen’ are mainly distinctive on account of their military and county profiles, giving them firm traditionalist credentials, grounded in the values of hierarchy and deference, and possibly predisposing them to make an infrequent appearance in Parliament in order to oppose a liberalization of the criminal justice system. A minority, only 17 (20%) were first-generation peers, with another 19 (22%) holding twentieth century titles; as many as 50 (58%) held pre-1900 titles. 24 (28%) had had specialist military or naval training. Combined in some cases with regular service (outside the two world wars), 38 (44%) can be classified as military peers; another 9 hailed from or had married into military command families. 147

34 (39.5%) occupied, at different times, leading county positions -- including 10 Lords-Lieutenant, with others as JPs and county and rural district councillors. The traces of an aristocratic profile in public life had other aspects, visible beyond Westminster and oriented towards more ceremonial or symbolic positions, rather than inside the Lords. Later, Lord Montagu of Beaulieu celebrated how a peer ‘could devote a good part of his time to public affairs, and develop that concern for the national

147 Vivid examples of this type of military peer ‘backwoodsman’ were the (6Th) Marquess of Ormonde: Sandhurst, two World Wars and regular service as a commanding officer of the Lancers, as well as a Lieutenant-General of the Corps of the Gentlemen-at-Arms, and a member of the Cavalry Club; and (the 8Th) Baron Walsingham: Sandhurst and regular army (Norfolk Regiment) and senior rank in two world wars – and a member of the Army & Navy Club. Both peers also enjoyed elevated positions in their respective counties, as Deputy Lieutenant. (Ormonde attended the House in that particular parliamentary session for just three sittings, Walsingham, six times.)
In a more general context, one of the archetypal 'backwoodsmen' who voted to retain the death penalty, the (17th) Earl of Devon was quoted as saying, in support of his absence from Westminster: 'I'm far more use here in Devon where everyone turns to me for help, than I would be talking nonsense in the House'. While the 'parliamentary personality' of 'backwoodsmen' was negligible, their traditional aristocratic features, often steeped in army life and the countryside remained prominent. Their social identity, conservative attitudes, as defined here by the foremost criminal justice issue of the decade, and low parliamentary profile did not mark them out as special – they were, after all, a recognized type of long-established hereditary peer, on the winning side of an important voting-division in 1956 – but they did stand in increasingly sharp relief as different from many first-generation peers, and so, eventually, with a less solid claim to legitimacy as parliamentarians.

Others who were mainly, or altogether, absent from Westminster were the press magnates, most notably, Lord Beaverbrook, reflecting his reportedly withering view of the Lords as 'a House of Make-Believe'. His friend, Brendan Bracken –

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148 Lord Montagu of Beaulieu, More Equal Than Others: The Changing Fortunes of the British and European Aristocracies (1971), pp.25-26. The dutiful facets of aristocracy were acknowledged by high-ranking peers in their published memoirs – in a period where such books were still considered marketable, though descriptions of parliamentary activity were mostly absent. The 10th Duke of Beaufort possibly spoke for many of his fellow-peers when he asserted: 'Heredity and environment have certainly been equally responsible for making me the man I am.' Duke of Beaufort, Memoirs (1981), p.xi.


150 Reported in Lord Hailsham, The Door Wherein I Went (1975), p.192. Beaverbrook explained his attitude: 'No sooner had I fallen into a place in the hereditary system than the absurdity and futility of the political structure of the House of Lords became clear to me. Certainly I had no respect for the aristocracy as such, and no lingering admiration for the doings of the Squire and his family.' Quoted, Peter Howard, Beaverbrook: A Study of Max the unknown. (1964), p.59. Tom Driberg attributed Beaverbrook's original decision to go to the Lords as a sign that 'he did not fully realize that the acceptance of a peerage by an ambitious young man in public life was a form of political suicide, a self-relegation to limbo'. Driberg, Beaverbrook: A Study in Power and Frustration (1956), p.111.
proprietor of the *Financial Times* and *The Economist* – also a sometime MP, pointedly did not take his seat in the Lords following the award of a viscountcy in 1952. He irreverently referred to the Lords as a ‘morgue’, when writing about other people’s ambitions to sit there.\textsuperscript{151} A source of unease for these press barons was that they were naturally Conservative, though perhaps too individualistic to be straightforward party loyalists. They did not comfortably fit the mould of parliamentary dissent, either; alignments and understandings at Westminster would probably have seemed alien to them, compared with the sometimes overblown ambition of brokering political power at the top.

Generally, most peers who attended on at least an occasional basis did so because they were drawn by topics for debate which engaged them specifically. The 5\textsuperscript{th} Duke of Sutherland wrote in his memoirs that he had taken part ‘in interesting debates in the House of Lords on several subjects’.\textsuperscript{152} These contributions were spurred by his interest and voluntary work in the provision of playing fields, for example; he was also a long-term president of the Air League.

Others in the sub-group of occasional attenders (at least 15 sittings) tended to intervene in specific debates where their own knowledge or expertise might be pertinent. For example, (the 8\textsuperscript{th}) Viscount Falmouth, the chairman of Imperial College, London, strongly advocated the expansion of that institution on behalf of technology training, and was a leading advocate of that sector in the chamber.\textsuperscript{153} The presence of judicial figures gave a further dimension of expertise to debates -- Lords Goddard

\textsuperscript{151} Richard Cockett (ed.), *My Dear Max: The Letters of Brendan Bracken to Lord Beaverbrook, 1925-1958*. (1990), pp.175, 199.


\textsuperscript{153} Falmouth was an aristocrat (with a barony of thirteenth-century origin) who defied the stereotypical ‘anti-industrial’ spirit: educated at Eton and Trinity College, Cambridge, followed by professional activities and scientific interests which ‘embraced engineering, gas, electricity, and coal’. Falmouth: obituary, *The Times*, 19.2.1962.
and Denning occasionally used sessions in the chamber for controversial speech-making, though they were obviously at a remove from being active peers.

In a paternalistic spirit, many peers fulfilled duties as figureheads or trustees of prominent institutions and voluntary bodies, civic, educational and charitable, serving because of their elevated and generally esteemed peerage status. David Cannadine has noted that peers ‘were drafted as disinterested public servants, chairing royal commissions and government inquiries, and holding a variety of formal positions in the worlds of education, the media, and the arts.’ 154 On this level of public involvement, we can find, amongst other names and duties, the 6th Earl of Clarendon (Chairman of the BBC, 1927-1930), the 6th Earl of Ilchester (Chairman of the Royal Commission on Historical Buildings, 1943-1957) and the 10th Duke of Northumberland (Chairman of the Departmental Committee on the Slaughter of Horses, 1952).

Patronage, employment and personal prestige could be bestowed, as well as kudos being reflected back onto organizations by association with these individuals: the ‘stage army of the good’. 155 But, contrary to Nancy Mitford’s claim that the aristocracy ‘has real political power through the House of Lords’, in the constitutional framework neither the aristocracy nor the Lords itself could boast of political power in any real form. 156

The active deliberative forum of the Upper House, with its ‘irrational’ features and hybrid make-up -- part-traditional aristocratic, part-recent appointees -- offered proof that there was an underlying development. What. F.M.L. Thompson called a

political ‘vanishing trick’ by the aristocracy had become evident. 157 As the aristocratic disengagement from the legislature took effect, it appeared to confirm Bagehot’s earlier adage: ‘The qualities which fit a man for marked eminence, in a deliberative assembly, are not hereditary and are not coupled with great estates’. 158

In most cases overall, peers tended to speak in policy debates where they felt qualified to make an authoritative contribution. As Viscount Esher (who attended 20 sittings in 1955-1956, and had a particular interest in conservationism) put it: ‘I do not consider that I show any disrespect to your Lordships’ House when I take no part in matters that do not concern me, and still less when I take no part in things which I do not understand’. 159

Writing in 1958, P. A. Bromhead emphasized ‘the special and varied qualities of individuals’ within the Lords, which ‘includes among its membership most of the elder statesmen of the day. These peers, and some of those from outside politics, ‘speak often, and others speak rarely, but the cumulative effect of the wisdom and experience which they can offer is something which defies statistical analysis’. 160

Here, the impalpable effect of a changing membership is alluded to. Some peers might have aspired, broadly, to influence policy, based on the personal prestige and expertise amassed during careers in public service. But their leverage on government was far from decisive. Nevertheless, the people who composed the Upper House were often able to command attention, both there and beyond.

157 F.M.L. Thompson, ‘English Landed Society in the Twentieth Century. I. Property: Collapse and Survival’. Presidential Address to the Royal Historical Society. TRHS Vol.40 (1990), p.10: ‘The landed aristocracy … has ceased to regard itself, and has ceased to be regarded, as a distinct and separate national or metropolitan class. It has dropped out of political discourse and is not noticed in social comment or in analyses of social structure.’

158 Bagehot, English Constitution, p.125.

159 HL Deb 28 February 1956.

160 Bromhead, House of Lords, p.51.
The banker, Lord Brand (ennobled, 1946), a director of Lazard Brothers, Lloyds Bank and The Times, attended Parliament more often (25 sittings in 1955-1956), though far from being identifiable as an active peer. His main apparent purpose was to deliver his well-wrought opinions on economic policy – speaking between 1952 and 1957 in an annual series of debates on The Economic Situation; then, in 1958, on The Stability of the Pound, having earlier argued for a system of currency convertibility. Brand was satirically singled out by the political journalist, Henry Fairlie, as a former high-ranking public servant who had positioned his entire career in ‘the ante-rooms of power’, ‘bobbing up in all the expected places from the BBC to Bretton Woods’:

Once a year he treats the House of Lords to a speech on economic affairs. For a fortnight or more before this annual event the resources of Lazards and The Times are pooled so that this high priest of economic orthodoxy may speak with the authority which his fellow-peers expect…When eventually he speaks it is not just for himself. The wise will attend on his words, knowing that they are the advance cohorts of more legions than ever Caesar had at his command.  

It was certainly true that, as a former high-ranking public servant, Brand’s occasional contributions to Lords’ debates tended to be grandiloquent set-pieces, even lectures. During the 1950s, the idea of the ‘Establishment’ as a locus of informal power became current, chiefly popularized by Fairlie himself. A.J.P. Taylor, who had renewed this term as a usage, wrote that it conjured up ‘benign, upholstered figures, calm, steady, reliable. They would never pass a dud cheque or cheat at cards. Not intellectually dazzling perhaps, but patient, understanding, and tolerant -- above all tolerant.’ Meanwhile, for Hugh Thomas, it summoned ‘the present-day institutional

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161 ‘Political Commentary’. The Spectator, 30.3.1956. A more admiring (retrospective) judgement credited Brand’s ‘intelligence, practical common sense, and the authority derived from his own success: he was undeniably sound, and in later years a man of the utmost gravitas.’ Kathleen Burk, ‘Baron Brand’, ODNB.

museum of Britain’s past greatness’.\textsuperscript{163} If the Lords occupied part of this ‘institutional museum’, a number of these ‘Establishment’ figures could be found there in the 1950s --- not always active in Westminster, though Noel Annan (later a life peer himself) would link part of the exercise of political power with ‘the bien pensants who regard themselves as the guardians of morality and manners.’\textsuperscript{164} An index of this kind of oracular status in public life, ‘the great and the good’, was the selection of certain peers for the major public lecture series, the Reith Lectures on BBC radio (Earl Russell, in 1948, on Authority and the Individual, and Lord Radcliffe, in 1951, on Power and the State; the Romanes Lectures at Oxford University featured as many as nine peers between 1945 and 1960.

Although they sprang from or belonged to delineated elite groups – social, public school, financial, intellectual, military -- the Lords as a parliamentary body did not maintain cohesion: there was no singular class sitting there, and it was far from being what The Economist held as the ideal: ‘a sort of moving avenue of the whole people, faithfully mirroring public opinion’\textsuperscript{165}. There were broad continuities across several decades in the types of new peer, but because actual participation in parliamentary debates was often patchy, sometimes idiosyncratic, the airing of authoritative opinions had a limited range. The Lords was not a formally constructed forum of expert opinions, nor a corporatist body encompassing sectional economic interests. Peers were appointed either as a mark of esteem or in the hope that they might contribute to public affairs.

The existing composition of the Lords, even in the wake of the reforms which

\textsuperscript{164} Noel Annan, Our Age: Portrait of a Generation (1990), p.12.
\textsuperscript{165} ‘Lords and Universities’, The Economist, 27.10.1951.
eventually followed, left open the question of patronage for non-elected figures. As David Cannadine later told Parliament, at the start of the twenty-first century, we are faced with ‘the ambiguous position of a peerage as being simultaneously an honour and a power position. Why are they awarded both to recognize merit and as political appointments?’ 166 Even after the end of the aristocracy’s automatic right of entry, the argument over who might be suitably qualified to sit in the Lords -- and the scale of total membership -- remains unresolved.

SECTION CONCLUSION

For a House of Lords without a popular mandate and removed from mass democracy, the language and the very terms of its everyday functioning owed more to lordly preoccupations than to populism. This form of constitutionalism has as its currency non-representative politics, the expression of personal temperament and ideas. Throughout most discussions of the fate of the Lords in this part of the twentieth century, a striking dichotomy persisted -- between constitutional form and human make-up; inevitably, the latter was shot through with preconceptions about economic and social class.

In 1955, the constitutional scholar, H.R.G. Greaves insisted that ‘the kindest explanation that can be given of the present existence of the House of Lords’ lay in ‘the respect for tradition and the principle of continuity or the obsequiousness to privileged interests’. 167 Yet those characteristics were becoming outmoded. The

trinkets of ‘ornamentalism’ were offset by the active participation in constitutionalism. In similar spirit, the formative military experience of many peers did not lead towards anything like a singular or potent sense of militarism. Analysis of biographical information provides a picture of the mid-twentieth century Peerage which was extensively militarised, but by no means uniformly conditioned to be militaristic.

Exchanges in the Upper House on defence matters were themselves proof that the policy framework and budget would be set by elected politicians in government, modified by the lobbying efforts of Service chiefs behind the scenes. Military campaign leadership or aristocratic elite regiment pedigrees did not facilitate senatorial command in the Lords. This was not a forum, let alone a senior military council, which could steer a progressive course or lay down strategy. At times, it seemed as if previous wars, particularly that of 1939-1945, were still being waged – clearly more like an indulgence for men no longer in command than a matter of current executive decision-forming. In terms of the polity and its armed command, the House of Lords played a useful, though undefined, role in grounding opinion, giving it a constitutional basis and protocol. As the fiscal-military state was being diminished and reconfigured, together with the process of decolonization, some on its military wing within the Lords voiced concern -- but there was more perplexity than anger, against a backdrop dominated by awareness of megaton bombs rather than old-fashioned heroism and hegemony.

Many peers possessed distinctive credentials which were relevant to current

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168 ‘when we come to matters of defence, so many of us remember how we fought in the past.’ -- Viscount Trenchard. *HL Deb* 16 March 1954 Vol. 186 col. 414.

169 John Brewer’s conceptualization of the ‘fiscal-military state’, in *The Sinews of Power: War, Money, and the English State, 1688-1783* (1989) has, as its main features: ‘high taxes, a growing and well-organized civil administration, a standing army and the determination to act as a major European power.’ p.137.
topics of debate; some had been policy-makers in the past; there was still a tendency in support of influencing affairs of state. Figures such as Lords Vansittart, Hankey and Killearn (all assiduous attenders at different stages in the 1950s) keenly promoted a hawkish stance over the British military presence in Egypt, by deploying their parliamentary role, following their own front-line careers in administration.\textsuperscript{170}

It was the Lords (albeit a very small minority of peers) – far more so than the Commons – which spoke with authority and a degree of expertise on what were considered to be vital subjects of the future. The former minister and wartime scientific adviser, Viscount Cherwell also used the platform of the Lords as part of a similar crusade. In his final speech – six weeks before his death in 1957 – he continued to lobby for the establishment of specialist technology colleges. He asked, rhetorically, ‘how many of the noble Lords concerned to civilise us could explain the difference between atomic number and atomic weight?’\textsuperscript{171} Another example of authoritative interventions was Viscount Caldecote, an engineer, who happened to be a son of the sometime (ennobled) defence minister, Thomas Inskip, made few appearances in the House – just five sittings in 1955-1956 – where he, too, focussed his speeches on scientific education, as well as on defence.\textsuperscript{172}

The substantial proportion of peers with directorships, and the similarity of social background in many cases, did not create anything like a singular business

\textsuperscript{170} In 1951, Hankey, the first Cabinet Secretary, gave the Romanes Lecture, on ‘The Science and Art of Government’. It was celebrated in a Times editorial in terms which might be taken as a coda or rationale for the House of Lords in the working constitution: ‘The counsel of those who have in public service is chiefly to be valued when it recalls the practising politician to rules of statecraft which are too easily forgotten in the press of business’. ‘Elder Statesman’. The Times, 8.6.1951.
\textsuperscript{171} HL Deb 22 May 1957 Vol. 203 cols.1088-1090. Cherwell’s biographer, Earl Birkenhead, conveyed how his subject hankered after more dynamic examples of education, in the USA and Soviet Union, than the English model: Birkenhead, The Professor and the Prime Minister: The Official Life of Professor F.A. Lindemann, Viscount Cherwell (Boston, 1962) p.337.
\textsuperscript{172} Caldecote called for propaganda in schools and management to overcome prejudice against technical education. HL Deb 11 June 1952 Vol. 177 col.108.
interest -- nor a viewpoint or a vested interest which could be represented on the benches of the House of Lords. Those peers actually in executive positions in companies were preoccupied by immediate commercial matters. Then, the diversity of their peers' business commitments across different sectors, including ‘old’ and ‘new’ industries, private enterprise and state control, metropolitan- and regional-based firms, would not have made for anything like a homogeneous elite based on ‘gentlemanly capitalism’. The Lords was by no means a forum for a ‘financial aristocracy’.

Older-established notions of aristocratic public duty -- now mainly channelled on a local, or territorial, plane -- were being reconfigured for a more recent type of entrant to the Lords, even before the reform of 1958. ‘Public service’ was widely understood as an ideal, setting a personal standard for many peers. So, for example, first-generation peers such as the founding BBC Director-General, John Reith, Lords Brand and Waverley (the wartime minister, Sir John Anderson) pursued not only successful public careers, but fulfilled what the Italian sociologist, Gaetano Mosca had earlier admired about the professionalised English elite: ‘functionaries who are the most independent influences.’

We have seen how, in terms of its composition, tradition and continuity remained influential, just as some of the trappings of privilege, such as a public school background, still appeared to have a limited potency. But that legacy had faded as a force of political power; ‘privileged interests’ within the constitutional or

governmental framework no longer represented a bedrock of aristocratic authority, though the perception of privilege, the gross imbalance between the main parties’ representation and a view of amateurish parliamentarianism left the Lords’ constitutional standing in limbo. There had been gradual shifts within the Upper House, even before the advent of life peerages – not least, the professionalizing tendency and a certain ethic of disinterested public service.

The slow disintegration of the British Empire touched the Lords in unique fashion, evoking a mixture of sentimentality and pragmatism, nostalgia and statecraft. Yet it would be facile to see the Lords merely as a ‘last ditch’ for Empire loyalists, though some of them were vocal in that cause. Those peers who attempted to guard against any signs of a decolonizing trend did not form an ‘imperialist’ faction, even when their views happened to coincide. They were, at times, capable of being open and impassioned dissenters, while wishing to uphold what they had always been familiar with, a strong presence overseas. On the other side, the Lords listened respectfully to the less strident and more conciliatory opinions of a backbench hereditary peer, Lord Hemingford, who had worked as a schoolteacher in colonial Africa.

Although many aristocratic peers maintained a county or agricultural profile, the cultural, political and economic significance of a landed interest were all definitely waning. A tacit standard of public worthiness, for newly created peers, had emerged. Nevertheless, this was still a membership of the nation’s legislature with many of the values of traditionalism. Sometimes, in the course of debates, ideas and attitudes deriving from class privilege, occasionally leaning in a reactionary direction, were vented.
Ultimately, however – as Bagehot had recognized almost a century earlier – the standing of a Second Chamber would depend on a different type of peer, appointed on merit, despite the fact that the hereditary principle remained intact. The main factor behind an uneasy or unsteady political destiny for the Lords was its own personal make-up. As Strathearn Gordon (of the Hansard Society) noted at the time, the very make-up of the chamber, the relatively advanced age of attending peers, their eminence in some cases and the absence of party strife, all made for conditions which ‘produce a staid and dignified atmosphere’. 174

The civic-minded and disinterested values informing debate gave a senatorial patina to proceedings, where peers spoke mainly on their own behalf. However, disinterestedness was expressed through sometimes fervent rhetoric and argument. Being removed from the Commons’ ‘tribal’ party politics did not guarantee a dispassionate stance. So, in terms of a collective profile of a large part of the Lords, what is evoked are types of diffuse Conservatism, perhaps where the formal partisanship, and even the underlying mentality tend to be implicit, rather than explicit. Quintin Hogg (before succeeding as the 2nd Viscount Hailsham, in 1950) -- detached what he labelled as ‘Political-Conservatism’ from ideology and struggle, leaving a portrayal of a human type. He was not necessarily thinking of peers, though the socially conservative image of these archetypal Englishmen and the related tropes do convey some of the older spirit of traditionalism in the Lords, particularly among less active members:

The simplest among them prefer fox-hunting, the wisest religion. To the great majority of Conservatives, religion, art, study, family, country, friends, music, fun, duty, all the joy and riches of existence of which the poor no less than the rich are

the indefeasible freeholders, all these are higher in the scale than their handmaiden, the political struggle.¹⁷⁵

On a fundamental level – whether through personal background, mentality or temperament – official Conservatives in the Lords, as well as many other peers besides, might be defined in such a light: a residual patriotism and sense of heritage combined with at least a mild suspicion of perceived modernity – though often displayed in an easy-going manner, more old-fashioned than stridently reactionary.

This survey of who was in the Lords in the 1950s does demonstrate that, even before the introduction of life peerages, there was a transfusion – a process, rather than an abrupt change, which allowed for an idiosyncratic mix of personal backgrounds and values. As a bicameral model, it carried elements of the post-feudal, party political and senatorial, without consistently stamping any of these onto a notion of a modern legislature. The political conservatism which surfaced was generally in a pragmatic mould, and the partisanship mostly muted and rendered in courteous spirit.

Vocational politicians, territorial aristocracy, industrial plutocracy, professional meritocracy and retired public servants: they are more accurately seen as independent individuals than in distinct groups with a corporatist ethos. But as individuals they demonstrate the cachet of their backgrounds, not necessarily representative of the nation as a whole but perhaps the most vocal or socially prestigious sections of it. These men, particularly the ‘active’ peers, were integral to the slowly evolving, non-elected part of the Westminster Model, personifying a political virtue through their ‘parliamentary personality’ – though some peers, seeking to transmit a message to the wider public and exercise the leverage of an opinion,

might find a well-placed letter to *The Times* to be more effective than a speech in the Second Chamber. The Upper House could only function or be measured by the ‘lordly’ identity of its members, many of whom were there through an accident of birth.

The Lords as a body was, in some peers’ view, adapting and growing into a less aristocratic, more inclusive and ‘meritocratic’ forum, where the expertise of some members allowed for a higher standard of deliberation. In a speech there in 1948, Viscount Cecil of Chelwood spoke of how the House

consists...of a certain number of highly qualified experts -- political, agricultural, legal, ecclesiastical, administrative, diplomatic, economic, military, naval, aerial, scientific, medical and literary. And, besides these, there is a body of persons of various callings and professions who may be described...as normal citizens.  

Yet Cecil’s notion of a comprehensive make-up to the Lords proved to be less accurate in its actual form than he believed, or wished for. The Upper House could neither be the sum of its parts (individual peers who were often not there) nor a conceptualized and idealized chamber of experts. Sensitive to its limited constitutional powers, its members’ ‘parliamentary personality’ depended on the platform of that chamber, but in turn the value of the platform rested on whatever were the strengths of a collective ‘parliamentary personality’, making the ‘irrational’ work.

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176 *HL Deb* 02 Feb 1948 Vol 153 cols 762-3.
SECTION TWO:

THE LORDS IN ACTION

INTRODUCTION: THE POLITICAL PULPIT

The symbiotic relationship between the two Houses of Parliament helps to explain the character and rationale of the Second Chamber. The House of Lords is what it is precisely because it is different from the Commons: a truism, yet at its crux lies the basis for this particular thesis. Bagehot, in the 1860s, laid out the reasoning behind the Lords’ constitutional position and scope:

An assembly in which the mass of the members have nothing to lose, where most have nothing to gain, where every one has a social position firmly fixed, where no one has a constituency, where hardly any one cares for the minister of the day, is the very assembly in which to look for, from which to expect, independent criticism.

In terms of the powers of the Lords – much scaled back since Bagehot wrote -- there are profound differences between the instruments available: wielding a veto government legislation, before the Parliament Acts, and voicing ‘independent criticism’, which remained. Following the introduction of life peers, it would be convenient to paint a contrast between an Upper House languishing in the run-up to the 1958 reform and its subsequent revitalised condition. For Charles Williams, a biographer of Harold Macmillan (and a life peer himself), the Life Peerages Act ‘would turn the House of Lords from a relic of the hereditary system into a

professionally Upper House’. 178

Undoubtedly, that reform proved to be momentous in eventually reconstructing the membership of the Lords. But it is important to recognize that no abrupt change in the political culture actually took place. In evolutionary style, the House was already being slowly transfused, regardless of the established hereditary system: an emphasis on ‘professional’ credentials, the ethos of public service and an independent-mindedness, even, at times, a senatorial authority, were prominent features.

If, in developing parliamentary practice, a Weberian notion of political ‘vocation’ was taking shape, the Lords was not necessarily becoming a body for full-time politicians. But, in a subtly changing climate, it was shifting nonetheless. There was still an atmosphere, traceable in W. L. Guttsman’s characterization of traditional politics as ‘an amateur’s pursuit, one which neither demanded a man’s entire energies nor aroused so much partisanship as to interfere with the easy social relationship with men of one’s class, regardless of their politics’. 179 Yet the persistence of some earlier characteristics did not preclude the newer ‘professionalization’, which was also a responsive tendency, as Guttsman put it: ‘the scope and issues of political action demand much greater attention and wider knowledge’. 180

The following chapters within this section of the thesis will examine closely the

180 Ibid.
Upper House’s active part in a range of policy debates, which illustrate how the existing membership — particularly those peers who were not the most frequent attenders — impressed their opinions and sought to influence policy direction. If the Lords’ ‘irrational’ character and make-up reinforced a workable chamber (as in Herbert Morrison’s view), the personal backgrounds of peers — recorded in the database linked to this thesis — and their opinions are integral to how the House took shape.

In terms of the policy areas highlighted here, the emphasis in this thesis lies on the political culture and collective mentality dealing with reactions to changed conditions, often including the perceived challenge of modernity. The question of whether the House of Lords embodied an antiquated, ‘pre-modern’, or even reactionary, ethos in the 1950s recurs throughout this section of the thesis. Undoubtedly, it contained men who voiced deep scepticism about what they regarded as negative change across national life, in areas from decolonization to penal policy. These voices carried distinctive tones, of regret, bewilderment, consternation, even anger. But the Lords was not necessarily a hot-bed of embittered reactionaries at odds with, and powerless to influence, the fundamental changes in national life. By looking in this section of the thesis at the Lords’ defence of well-known physical landmarks in the environment, we can see how personal sensibilities, based on first-hand connections with those sites, boosted the advocacy within the Upper House itself. How to counter the threat of bulldozers became something of a rallying-cry.

The issue of extending the broadcasting regime by introducing commercial
television highlights a related facet of the Lords in the period before life peers at its most paternalistic and culturally defensive. Although the parties could impose their whips and try to corral scattered and irregular attenders, these disciplinary tactics did not inhibit free-flowing debate on subjects which provoked individual feelings along self-perceived ethical or cultural lines, in defence of what were taken as settled standards.

In an occasionally heightened atmosphere, the strength of policy ‘affect’, the response to proposed change, brought preacherly tendencies to the fore. One commentator at the time was convinced that the ‘elder statesman has played a bigger part in conservative (sic) policy-making than in other parties …The part that such elder statesmen have played by a combination of birth, force of character, experience and abilities is well understood in the Conservative Party and their role is respected’. 181 In that sense, the Lords gave a platform for some of these ‘elder statesmen’.

On questions of individual conscience, a stock reactionary viewpoint was offset by a modernizing, or pragmatic, line. Big set-piece debates on capital punishment and homosexuality law reform allowed for diverse thinking, both reactionary and punitive, on the one hand, and seeking to be compassionate and progressive, on the other.

As a forum, the Lords embodied the interests – more in the mode of vocational enthusiasms than ‘Namierite venality’ -- of its members. So, underlying this analysis, the question of who these peers actually were is a constant thread. Later in the thesis, the process of formulating plans for the reform of the Lords will

also be seen as revolving around how it was composed – or, in the future, might be reconfigured in its make-up. In a system of parliamentary government, the Upper House commanded attention as a (subordinate but prestigious) part of the legislature. It might appear, in certain lights, as little more than an appendix to the democratically-based Chamber, with ermine adornments and mainly empty spaces on its benches. In 1957, the left-wing academic, Bernard Crick wrote critically about the House of Lords' performance as a deliberative forum: ‘The general debates … may entertain their Lordships, but they are of negligible importance in the public interest - nothing is said there that could not be said by an Opposition on the floor of the Commons, *if given more time for general debate*. (orig. italics) 182 Crick relegated the quality of these debates to what he valued more in the chamber, its scrutiny of government legislation. However, in order to understand the Upper House in the 1950s, and penetrate some of the polemical assumptions about it, the emphasis in this section of the thesis reverses Crick’s contention. Having the scope for ‘general debate’ may have been a leisurely privilege, but it was this role which served the Lords well, and allowed peers to assert their moral authority and, in some cases, their personal expertise.

Ivor Jennings, too – though at times waspish in his view of the Lords, the ‘gilded sepulchre’ – pointed to its distinctiveness, and, indeed, drew on a bicameral model when he helped to draft frameworks for self-government in this late phase of the British Empire. (Although the *kudos* generated by the export of constitutional models to

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newly self-governing territories throughout the Empire and Commonwealth helped to promote the ‘Westminster Model’, it did not guarantee long-term survival in that particular parliamentary form.\(^{183}\) For Jennings, the leisurely character of the Lords, did not necessarily undermine its usefulness. Above all, it was ‘an assembly for the debate of the less technical and, in the party sense, less ‘political’ issues of government’. Jennings recognized that the Lords’ debates, compared to the Commons’, might sound “more interesting because the speakers start from the same premises and argue within the sphere thus confined. In the Commons, on the other hand, differences are more often due to divergences about fundamentals”.\(^{184}\)

There was clearly a temptation for Jennings to confuse the renowned style of rhetorical civility with a kind of consensus over ‘fundamentals’. In reality, as we shall see, there was no uniform outlook, but instead divergent opinions on issues of substance. The fact that peers were not accountable to the wider electorate, and therefore spoke only for themselves, stamped itself on the chamber. In turn, how it conducted itself as a deliberative forum was significant; its temper and biases reflected both an atmosphere and a set of attitudes towards the outside world.

Regardless of fluctuations in the numbers of peers who came to Westminster, the Upper House was viable, despite a generally elderly membership. In looking at a series of sittings in Spring, 1953, over two two-week periods before and after the Easter recess, we can see that the attendance figures did not necessarily threaten the legislative or deliberative functions of the Lords.\(^{185}\) The main item of business on each

\(^{183}\) Against the grain of bicameralism, New Zealand abolished its second chamber in 1950.
respective day is given, followed by the total number of peers officially recorded in attendance then:

FIGURE 7.

The total one-month-long period featured here offers a useful window on the work of the Lords and its participating peers – therefore, looking in greater detail at the debates and the speakers helps to give a fuller picture of ‘The Lords in Action’. Such
an analysis underscores the basic conclusion that the chamber was largely, though by no means exclusively, the preserve of ‘active’ peers, who attended regularly or frequently, and many of whom were front-benchers or what might be described as party politicians. There were some notable contributions from more occasional attenders: peers associated with other professional backgrounds and areas of expertise. Over the course of the period before life peerage reform, the ethos and credentials of Upper House membership did slowly extend in this direction – in turn, emphasizing a ‘meritocratic’ element and, through the deliberative scope of Lords’ debates, imprinting it on the corporate character of the working chamber.

In its evolution, particularly manifest in the arrival of some of its new nominees, a study of the Lords demonstrates how the individual profiles of peers build into the collective profile of the parliamentary body as a whole: ‘irrational’ and idiosyncratic, as it was even regarded at the time. In its daily summary of proceedings in Parliament, The Times, giving priority on the page to the Lords over the Commons, featured the tributes to Queen Mary (who had just died) by the party leaders in the Chamber: Salisbury, Jowitt and Samuel, as well as by the Archbishop of Canterbury and the former Lord Chancellor, Viscount Simon. Such a high-ranking set of eulogists gave the Lords its prominence as a state body, surrounded by formalism.

The passage of both the Transport and Iron and Steel Bills, with their provisions for denationalization, became flashpoints for ideological disagreements between the two main parties. These primarily partisan exchanges tended to echo the confrontation
in the Commons – an aspect of the Upper House which was less senatorial than in many other debates, yet a reminder that party politicians on the front benches still held sway. On the Third Reading of the Transport Bill, the only speakers with direct or authoritative knowledge of the transport sector were the Labour peers, Lords Burden (a Whip and formerly on the executive of the Railway Clerks’ Association; elevated, 1950) and Lucas of Chilworth (the wartime head of the National Joint Industrial Council of Motor Vehicle Retail and Repairing Trade; elevated, 1946). Both also happened to be ‘active’ peers, particularly Burden, who attended frequently.

The principle of whether or not to dismantle state control, and the extent of it, preoccupied proceedings. Indeed, the Lords attached as many as 70 amendments to the legislation, while a guillotine had been imposed on debate in the Commons. \textsuperscript{186} The Transport Bill, in 1953, with its relatively controversial de-nationalization provisions, roused the leading Labour left-winger, Aneurin Bevan’s, ire against the Lords. While the Government’s task was one of steering the Bill successfully through Parliament, possibly hampered by its slender majority in the Commons, Bevan raged about constitutional impropriety. A Labour Government, he argued, could not use the Lords in the same way as a Conservative Government, in order to revise or modify a Bill, because it never enjoyed a majority there. ‘This, in fact, so biases the Constitution against us that either we are to have the Guillotine and the Conservatives are not to

\textsuperscript{186} ‘Slow Transport in the Commons’. \textit{The Times}, 23.4.1953. This unusually intensive use of the Lords in terms of legislative procedure did not attract much attention beyond Westminster, though the Labour peer, Viscount Stansgate raised a constitutional concern about what he alleged were the Lords’ acquisition of greater powers. This was dismissed by Viscount Swinton, on behalf of the Government, who praised the balanced conduct of ‘an orderly, practical and common-sense Assembly’. \textit{HL Deb} 05 May 1953 Vol.182 cols., 228-244.
have it at this stage, or the House of Lords must go as a revising Chamber’. 187

The Upper House had been involved – primarily because of parliamentary business management -- in what was widely seen as a political imbroglio. It led *The Economist*, during the hiatus of the Easter Recess, to look forward to more placid conditions, when ‘Ministers can think more about their own legislation rather than about undoing that of their predecessors’. 188 However, the focus of the press was, as usual, far more on the Commons than the Lords. It was exceptional for the Upper House to be in such a contentious and politically charged position, particularly where government legislation was concerned.

More typically, the twin motions brought by Lord Noel-Buxton and the radical Bishop of Chichester, George Bell, which expressed criticism of the Government’s plan for the Central African Federation, generated a debate (over the course of two days) entered into by various non-party politicians with professional experience of that continent. 189 Although the leading Government and Opposition spokesmen laid out their respective policy positions, it was the more independent peers – attending the Lords only occasionally, for the most part, and tending to speak on a chosen special subject – who brought a distinctive authority to the chamber. Among these were Viscount Bledisloe, who introduced himself as the Chairman of the Rhodesia-Nyasaland Royal Commission of 1938-1939; the former colonial governors, Lords Hailey and Milverton; Lord Forester, a former professional soldier, ADC to the Governor of South Africa and himself a Lieutenant-Colonel in the Royal Horse Guards,

187 *HC Deb* 05 May 1953 Vol. 515 col. 319.
188 ‘A New Chapter’. *The Economist*, 11.4.1953. In a separate judgement, another editorial in the same publication emphasized that the draft Transport Bill left the Lords as ‘a better bill than when it first saw the light’. ‘Competition in Transport’. The Economist, 21.3.1953.
189 Noel-Buxton did not have first-hand African connections. He had been on the editorial staff of *The Farmers’ Weekly*, and previously a producer on the BBC North American Service; he became known for attempts to cross rivers on foot, starting with the Thames at Westminster, where he believed that the Romans forded it. See ‘Lord Noel-Buxton’: Obit., *The Times*, 17.7.1980.
making his maiden speech more than twenty years after he succeeded to his peerage; Lord Hemingford, a second-generation Conservative peer – a sceptic in relation to the government’s Federation policy -- who had been a head-teacher in Africa and was Chairman of the Africa Bureau; and Lord Leconfield, whose published books included *Problems of Imperial Trusteeship*.

Although this was a generally lively and authoritative debate, press coverage on it was almost null; in its daily parliamentary report, The Times’ bland sub-headline was ‘Divided Views On Federation’. 190 Compared with the Commons, several members of the Upper House displayed proprietorial tendencies in this policy area, a continuing watchfulness over colonial policy, evoking a mixture of sentimentality in defence of a cause and pragmatism, nostalgia and statecraft. Reactions in the Upper House were far from uniform.

From the 1920s onwards, when the Upper House demonstrated a new and relatively pragmatic acceptance of Irish separatism to two further landmarks, the Statute of Westminster, 1931, and the Government of India Act, 1935, debates there were vital barometers of a section of elite thinking on colonial policy. Above all, the generally statesman-like lead given by the Lords – despite sometimes outdated individual opinions -- helped to ease what might otherwise have been a more difficult transition in Britain’s power status.

In wider operational terms, the question of attendance in the Upper House became part of the wider, complex moves towards Lords reform, with a Select

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Committee (under the chairmanship of the former Cabinet minister, Earl Swinton) considering it specifically, in relation to the rights and duties of peers. 191 But there were obstacles to streamlining the membership of the House and limiting non-active peers: technically, in terms of the need for a legislative enactment of this part of a reform plan, and on account of the vocal scepticism of some peers.

During an earlier debate – when the committee was established – the Conservative, Lord Brabazon of Tara admitted to being ‘rather frightened’ by such an uncertain prospect: ‘Is it the idea that eminent people like … Lord Hives, and … Lord Adrian, who do useful work for the community in other walks of life should be compelled to come here or else suffer the penalty of not being allowed to vote on occasions, or something like that?’ 192

On the pervasive conditions behind debate, the former parliamentary clerk, Lord Campion, acknowledged in 1950 that the ‘most remarkable change during the last forty years is the fall in the temperature of the party conflict’. 193 Although such a change was undoubtedly true, it did not altogether eliminate the divisive legacy of class or resolve how the Lords would transcend its close aristocratic associations. In that light, the political scientist, H.R.G. Greaves wrote in 1938: ‘the respect for tradition and the principle of continuity or the obsequiousness to privileged interests, are the kindest

191 Swinton presented a summary of the committee’s proposals to the Lords. HL Deb 28 February 1956 Vol. 196 cols. 8-17
192 HL Deb 21 June 1956 Vol.193 col.206. Both Hives and Adrian were first-generation peers: the former, elevated in 1950, the chairman of Rolls-Royce; the latter, in 1955, Master of Trinity College, Cambridge. Hives only attended one parliamentary sitting in the 1955-1956 session, and was otherwise a rare speaker; Adrian attended eleven sittings, and spoke occasionally, on subjects close to his own interest and expertise.

Greaves then singled out the ‘legislative record’ of the Lords as conveying what he saw as ‘a consistent fight for the interests of the wealthy’.\footnote{\textit{Ibid.,} p.61.}

Yet, Greaves’ strident view does appear to be anachronistic, and perhaps obscured by a prejudice rooted in an earlier generation of legislative record. The mid-twentieth century produced a specific kind of culture in the Lords, one which was evolving in what was a new phase following the 1911 Parliament Act; it would eventually absorb and be extended and deepened by the introduction of life peers in 1958. However tradition-conscious the Upper House remained, it was also a platform, within constitutional limits, where issues could be debated in a discursive mode and shaped by a spirit of public service or duty on the part of contributors.

Discussions about how to reform -- the subject of Section Three in this thesis -- would follow on from the scrutiny of the Upper House’s role as an ‘active’ chamber, as well as of its rationale. The linkage between the bicameral notion and the historical or current reality of the Upper House was clear. But, unlike the pre-1911 period, when pamphleteering and intense partisanship inflamed the popular image of the House of Lords, by the 1950s it lacked such an emotive charge. \textit{The Economist}, in 1956, summed up this meaning of this shift: ‘The exercise of the vestigial constitutional powers of the nobility is probably the least interesting feature to the average commoner’.\footnote{‘Peers from the People’. \textit{The Economist}, 21.7.1956.}
Rather than any radical critique of social privilege, it was attrition and gradual change which left a small residual aristocracy at Westminster, coexisting with a more emphatically professional class. There were still traces of an earlier ethos deriving from upper-class life, notably when issues relating to the countryside came up for debate – such as rural pest control, in November, 1955. The socio-economic type of ‘interested’ peers suggested a very limited territorial aristocracy sounding off about an apparently parochial concern. Yet most of these peers cannot be typified as ‘backwoodsmen’: the Marquess of Cholmondeley – ‘My Lords, at long last I have been brought to my feet by the wish to do something about the rabbit’ – held ceremonial office as Lord Great Chamberlain and was a regular Westminster figure, but did not usually speak in debates; and the (6th) Viscount Gage, a major landowner in East Sussex and long-term chairman of the County Council planning committee, also attended the Lords regularly: on 53 days in the 1955-1956 session. ‘Interest politics’, in the traditional sense of the protection of material self-interest, could be identified with the much wider concern for the rural environment, or even the well-being of the nation, its land, forests and food-growing capability. When rural subjects did arise, those participating peers could exercise their technical knowledge, but enjoyed only limited leverage as a very loose and unofficial lobby-group within Parliament, though more socially prominent than their counterparts in the Commons.

197 *HL Deb* 23 Nov 1955 Vol 194 cols. 755-772, 773-818. This three-and-a-half hour debate, with a consensus view in favour of eradicating rabbits, provides a clear example of how the Lords – on specific occasions – mustered a vocal agricultural and landowning contingent. Viscount Hudson, the first-generation peer who initiated the debate, was a farmer, former Conservative MP, and, most notably, wartime Minister of Agriculture. He attended the Lords on a regular basis: 44 times in the 1955-1956 session. His speeches tended to concentrate on agriculture, but sometimes ranged beyond.
Most of the contemporary references to the make-up or performance of the Lords in the pre-1958 period were cursory, occasionally with negative overtones. The trope of a somnolent, outmoded and sparsely attended chamber fitted the caricature image of peers, as in a parliamentary sketch column the previous year in the light weekly magazine, *Punch*: ‘Too often it seemed that they were living in the past; subsidized hunting and shooting are beautiful dreams, but hardly realistic in 1954’.  

A similarly jaundiced view, in Coronation year, 1953, depicted torpor contrasting with the mass appeal of the Coronation itself. (Intriguingly, its author, Giles Romilly, happened to be the nephew of Churchill's wife.) There was an apparent gulf between the constitutional aura surrounding the Westminster Model --'the Father of the Mother of Parliaments' -- and the actual proceedings on the given day under examination, characterised as 'dull', with 'a complete absence of lively spirits.'  

The Lords did present an easy object of caricature for observers in the 1950s, with irreverence on both Left and Right. The press baron, Lord Beaverbrook inspired in his newspapers a near-parodic stance towards individual peers, casting them as minor celebrities whose misdemeanours might be gleefully reported. In practice, however, the Lords' spirit was not uniformly anti-modern, as demonstrated by the forward-thinking contributions on behalf of technological education, for example. Although there are temptations in retrospect to see a struggle between the past and the future, backward-looking conservatism and pioneering liberalism, or, in

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199 Giles Romilly, ‘What does go on in the Lords?’ *Daily Mirror*, 29.6.1953. Romilly warned that the -- mainly absent -- peers ‘will have only themselves to blame if one day a contemptuous nation chucks their whole wardrobe of privileged responsibility into discard.’
200 On one front page of the mass-circulation *Daily Express* ran the headline, ‘ ‘Viscount’s wife ASKS ‘Where’s my husband? “ ‘ It reported: ‘Viscount St. Davids, who claims he is descended from Robin Hood, went out to buy newspapers. The Viscountess has not seen him since and does not know where he is’. *Daily Express*, 30.12.1955. Although St Davids was also absent from Westminster at this time, he had previously been a regular attender; his interest and commercial involvement in inland waterways lay behind his parliamentary question on the future of the canal system. *HL Deb* 25 March 1952 vol 175 cols. 909-910.
environmental terms, conservation and urban development, that kind of ideological
gloss does not take account of various ambiguities.

The presence of Anglican bishops, often drawing on their pastoral experience,
helped to enhance the chamber as a ‘moral parliament’, ready to embrace controversy
in a more independent-minded atmosphere than the Commons’ framework of electoral
politics. The subject of gambling offers a leading example of how the Lords
acknowledged and facilitated the gradual ‘rationalizing’ of law in the moral sphere. The
main force of the anti-gambling argument there was carried by the spiritual peers,
whose community work brought them up against gambling misfortunes, particularly
affecting the poor. Yet even they (e.g., the Bishop of Sheffield) favoured a
pragmatic and consensual handling of the legal issue. 201

This was not part of any sweeping agenda of liberalization; Conservative
governments of the period were wary of reform. But, in a bipartisan spirit, peers chose
to confront how restrictive laws might now be relaxed, enabling what they believed to
be sensible reform which allowed for greater individual freedom – not necessarily a
permissive release of old constraints. Lord Pakenham, a devout Catholic, accepted
that betting on horses was a mass enthusiasm, and was ‘not so inherently wicked that
one must not even seem to recognise it officially’. 202 Meanwhile, a senior Conservative
traditionalist, Lord Teynham argued that the laws were antiquated, illogical and
unenforceable: one statute reportedly dating back to the reign of Henry VIII, protecting

201 HL Deb 27 June 1956 Vol 198 col.105.
202 Ibid., col.117. David Dixon, From Prohibition to Regulation: Bookmaking, Anti-Gambling and the
Law (Oxford, 1991), p.334: ‘What was inevitable increasingly came to be seen as desirable’.
Pakenham also discoursed on how gambling on horses presented ‘the second-rate expression for a
third-rate predisposition’, ‘sublimating an essential element in our fallen nature’. HL Deb 27 June 1956
col. 116.

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his subjects against distraction from archery. Indeed, a Royal Commission had already called for a simplification and consolidation of existing laws, as well as the licensing of street betting.

However, the Home Office minister, Lord Mancroft, even acknowledged in the Lords that such matters of conscience were not top priorities for government to deal with. But, from the Government’s point of view, the Lords’ debates allowed authoritative views to be expressed – even giving a salutary insight into the difficulties involved. The Lords indicated some of the ways in which reform might be feasible in principle and practice, also avoiding possible controversy. (The Betting and Gambling Act followed in 1960.) Far from being an obstacle, it supported the need for change -- against the prudential stance of the Home Office and the Conservative leadership.

Alert as it was to what R.A. Butler referred to as the ‘controversial borderline between liberty and order’, the Lords’ place was solidified because Conservative governments listened to its counsel as a way of ensuring that its own measures were not out of step with the thinking of peers. A debate along these lines had been initiated by Viscount Astor, a racehorse owner and breeder -- therefore, it was an uncommon and glaring example of a peer arguing through his commercial interests.

205 HL Deb 08 February 1956. cols., 835-836. When the subject had come before the Cabinet, Churchill -- perhaps mindful of the popular religious passions surrounding gambling during his early parliamentary career, fifty years previously -- counselled against any immediate attempt at reform: ‘Don’t offer to break your neck over it’ and ‘Don’t get too far ahead of public opinion’, amongst his political tips. Significantly, though, Anthony Eden (then Foreign Secretary) said that the issue could be looked at again in the light of discussion in the House of Lords. Cabinet Secretary’s Notebook, 24.2.1954. TNA CAB/195/11/94.
207 Butler, Art of the Possible, p.199.
(Astor argued for a betting levy and licensed street betting outlets, which, in his view, would enrich the racing industry and curtail corruption.) But the main content of the Lords’ deliberations on this subject was based on moral principles and assumptions about modernity.

Any assessment of the Lords ‘in action’ revolves around the overlapping circles of the peers who attended: the core of diligent ‘active’ participants and those who varied between occasional and regular appearances and speech-making; most of those who initiated and intervened in debates were not necessarily in the most active category, but took part when they felt a need or desire to contribute. The chamber was able to continue its routine parliamentary business, as well as to maintain its constitutional facade. In some respects, public indifference towards the mechanics and much of the everyday human appearance of the Constitution preserved the Lords from unduly harsh scrutiny. According to Ivor Jennings, there were ‘more bores and less intelligence in the Lords than in the Commons; but in the former they are usually absent or dumb’.

Given the unease over the position of the Lords in the body politic, a rare dramatization of its possible contentiousness occurred on the floor of the Upper House in 1952. The Labour peer, Viscount Stansgate raised the procedural matter of how the Lords conducted its own business. Yet, on account of this apparently anodyne issue, a fundamental disagreement about the role of the Lords emerged. Stansgate positioned the Upper House as ‘a complementary, rather than a competing, member of the joint Constitution’. In the context, of parliamentary oversight, he believed that the Lords had generally not had an impact on government policy -- and he complained

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208 Ibid., col. 98.
about the fact that the crises which erupted in the wider world were not immediately discussed in the House. 211

Stansgate’s objection to the widespread habit among peers of reading the speeches that they were delivering was because he believed that it resembled the practice of a ‘lecture society’, as opposed to a parliamentary chamber. 212 Besides the need for more rigorous scrutiny of government policy, Stansgate favoured the expression of ‘perhaps the most attractive feature of this House’, its ‘respect for minority opinion’ -- meaning independent-mindedness, free of the party machines. 213

Stansgate’s critical comments about the conduct and purpose of the Lords as an everyday chamber provoked an irate reply from Lord Salisbury on the opposite bench. He accused Stansgate, whom he cast as a strict Commons man, of attempting to ‘remould’ the House of Lords along the lines of the Commons. Never less than proprietorial in his view of the Lords, Salisbury underscored what he saw as its main distinctiveness: ‘It is not a House composed of members who have been elected to oppose each other. It is a House composed of men who have not been elected, and whose main purpose is to the best of their ability to pool their wisdom and experience for the common good’. 214

This exchange between two peers from very different ideological moulds was as much about the tone of parliamentary proceedings as an argument over the Lords’ constitutional rationale. Salisbury favoured a leisurely approach, removed from party divisions; Stansgate wished for governmental accountability and an engagement in

211 Ibid., cols. 402-403.
212 Ibid., col. 400.
213 Ibid., col. 405.
214 Ibid., cols 407-408.
current debate, responding to news events soon after they actually happened. Again, both men were espousing idealized views. In practice, though, the Lords seemed to operate more closely according to Salisbury’s conception than to Stansgate’s. The latter’s jibe about the House resembling a ‘lecture society’ had an element of accuracy about it, on certain occasions. Although both men, in varying ways, shared a strong commitment as parliamentarians, Salisbury made a political virtue out of the Lords being unelected and unaccountable, detached from the democratic machinery which propelled popular representatives to the Commons.

So, in the following analysis of the Lords ‘in action’, the particular emphasis on subjects across the policy range reflects the special approach which marked out the Upper House during the pre-life peerage reform years. This was a period when the Lords’ policy suggestions and attempts to influence government strategy on specific issues gave it more freedom to express itself than it could exercise under a Labour administration, which would interpret that degree of free-spiritedness as motivated by tribal right-wing hostility, likely perhaps to trigger a constitutional crisis. Despite one familiar observer’s description of the Lords’ ‘staid and dignified atmosphere’, the spirit of critical debate – for the most part, away from mainstream electoral programme policies -- did persist, at least periodically. The chamber, then, was tilted more towards a discursive than a programmatic mode of conducting politics. At its best, it conveyed Viscount Bryce’s ideal of the House’s ‘moral authority’ — which he saw as the ‘influence exerted on the mind of the nation which comes from the intellectual authority of the persons who compose the Chamber, from their experience, from their record in public life and from the respect which their characters and their experience

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Of course, Bryce’s view was idealized: the reality was a platform which was often more opinionated than dispassionate, though its interests were ‘privileged’ mainly in the looser sense, as opposed to those of the material or venal kind. Yet the senatorial aura and the distinctive significance of the subject-matter for debate do call for further exploration. The Lords’ constitutional position allowed for latitude in pursuing policy subjects which were either close to its collective heart or allowed a more independent view than that of the Commons.

Evolving as a parliamentary body over the course of decades, the ‘political pulpit’ of the Upper House— in Bagehot’s timeless phrase -- had adapted itself to the sometimes insistent messages of its members, the ‘select preachers’, even before the introduction of life peerages.

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216 Bryce, ‘Reform of the Second Chamber’.
'Our national patrimony' – Lord Methuen’s reference to that heritage which included Britain’s historic buildings – was a cherished, though restricted, subject in the Upper House. The sentiments infusing the various campaigns on its behalf were given a vocal, sometimes impassioned, force. It was there, in the Lords, far more so than in the Commons, that the case was made in this period for protecting both urban and rural landscapes. On an informal level, a number of peers represented an ad hoc, informal lobby-group. But, underneath their polished rhetoric, the conservationist fervour indicates how the defence of the visible facets of the past was mounted – by reference to the heritage of the nation.

Some peers deployed their parliamentary platform as a means of seeking to influence policy towards that heritage. When a prominent green site at Oxford University, Christ Church Meadow, came under threat of road-building development, some speakers in the Lords who sprang to defend it were by no means habitual.

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217 HL Deb 14 May 1953 Vol. 182. col. 554.
conservationists; through their personal associations as sometime students with that particular location, they displayed the protective instincts which claimed a rootedness in English national life.

At times, too, the cause turned out to be a contentious one. Gradually, throughout the 1950s, the defenders of historic architecture tapped into a concern, sometimes indignation, about the fabric of the nation. \[218\] Historical scholarship over subsequent decades has generally downplayed the significance of this issue in the political arena. For example, David Cannadine refers scathingly to ‘that cult of snobbish nostalgia and conservationist escapism by which so much of post-war Britain has been blinded and blighted’. \[219\] However, the emotive charge connected with this subject, and evident in the Lords at times, cannot be purely reduced to cultishness.

A distinctive outlook, with a provenance of its own in English terms, can instead be identified – in Nigel Everett usage – as a ‘Tory view of landscape: ‘a point of view opposed to a narrowly commercial conception of life and associated with a romantic sensibility to the ideas of certainty and tradition felt to be embodied in certain kinds of English landscape’. \[220\] The embrace of the historic built environment reflected a civic-minded investment in the defence of the past – how it was palpable and how it might be protected for the sake of national well-being. This ‘Tory’ strand of opinion was not necessarily synonymous with contemporary Conservatism, or with the Conservative Party in government. Reactions were not fully behind conservationism. There was

\[218\] The Georgian Group had been founded in 1937; the Victorian Society, whose main catalyst was Anne, Lady Rosse, the wife of an Irish peer and mother of the future Earl of Snowdon, was formed in 1958.
also an ideological dilemma, which might be dramatized in the form that Arthur Aughey has imagined, for traditional Tories who ‘inhabit a world that is both enchanted and disenchanted’. 221 The expression of what Timothy Mowl has underlined in the post-war period as ‘aesthetic conservatism’, proved to be a robust instrument on the floor of the Lords, though far from being consistently victorious. 222

This chapter looks at how and why such heritage issues mattered to the Lords, bringing a high-profile recognition within Parliament of what were regarded as symbols of history – in the aftermath of a ‘total war’ in which that entire legacy had been endangered. If, as this thesis argues, the mid-century incarnation of the Lords was ‘irrational’ but still attuned to a discursive form of debate and a significant range of policy areas, then the conservation issue shows how it functioned by giving a spotlight to individual authority, expertise and conviction. While governments were either slow to provide safeguards, or even complicit in pushing for modern redevelopment, a vocal and active conservationist movement, self-consciously patriotic and public-spirited, sounded the clarion of resistance in the Lords. (A very direct reminder of the basis for historical continuity and integrity was the reconstruction of the Commons chamber following wartime bombing, which necessitated the temporary removal of the Lords to the monarch’s Robing Room, until 1951.) How the Lords responded to both the proposed demolition of the Imperial Institute in London and the threat to Christ Church meadow, in Oxford, will be examined. Regardless of the actual outcomes, we can see how the personal backgrounds of peers and,

particularly, the cultural grain represented in argument within the parliamentary chamber gave the Upper House its distinctive style of politics – detached from the ‘bread-and-butter’, mundane issues in a modern democracy, but sometimes strenuously engaged with grander notions of civic well-being and national character.

Another area which deserves attention, through an understanding of the Lords’ treatment of it, is the residential country house. These endangered buildings (sometimes connected to aristocratic dynasties) reflected an overlap between the material interest of the owners and – as the policy of the National Trust demonstrated whenever it intervened – a form of trusteeship, or a greater cultural scale on which to appreciate their value. Here, the Lords gave unanimous support, though it could not offer the necessary funding. When some of these grand house-owning peers did speak in the chamber, their practical experience and expertise carried more emphasis than whatever vested interests they happened to represent.

It was civic architecture and high-profile urban sites within the public domain which sparked particular controversy. As Bill Schwarz has put it: ‘The public vistas constructed in the heart of the capital -- and in the heart of Britain’s other cities – provide the visible legacy of Britain’s imperial past’.²²³ But the brick emblems of that past were not always sacrosanct -- especially in the capital, where post-war reconstruction, limited land availability and commercial property interests became potent factors.

The procedural freedom in the Lords to initiate debates and the relative lack

of party cohesion left the government vulnerable to stinging disapproval from any quarter, including natural Tories and conservative-minded peers. Yet collective opinion there was not always necessarily on the conservationist side. In fact, various environmental campaigns had mixed fortunes on the floor of the House. And, although some representatives of the old territorial aristocracy in Parliament continued to express themselves, the notion of a separate noble landowning interest no longer had political resonance. This was at a far remove from how Bagehot had conceived it in the 1860s: ‘The Lords -- leaving out a few lawyers and a few outcasts – are all landowners of more or less wealth. They all have more or less the opinions, the merits, the faults of their one class. They revise legislation, as far as they do revise it, exclusively according to the supposed interests, the predominant feelings, the inherited opinions, of that class’. 224

‘Inherited opinions’, in this sphere of public life, were, anyway, facing contradictory pressures. Consciousness of the past informed cultural resistance to urban development; on the other hand, as with the newly marketed public access to stately homes, economic survival and the viability, or otherwise, of historic buildings encouraged innovation.

Among peers specifically, involvement in statutory bodies, local amenity groups, museum trusteeships and voluntary campaigning organisations channelled both personal knowledge and the spirit of public service, giving greater weight to the opinions expressed on the floor of the Upper House. So, for example, the (28th) Earl of Crawford was a longstanding chairman of various bodies, including the National

224 Bagehot, English Constitution, p. 139.
Trust and the Royal Fine Art Commission; (the 4th) Baron Methuen, an artist and zoologist, was a member of the latter Commission and trustee of the National Gallery, the Tate and the Imperial War Museum; (the 3rd) Viscount Esher – described as ‘a cultured landowner’, who ‘dedicated his easy-going life to patronage and salvation of the arts and architecture in a prominent way’, was active in the Victorian Society and headed the Historic Churches Trust, the National Trust and the Society for the Protection of Ancient Buildings; and (the 2nd) Baron Mottistone was a working architect with a special interest in restoration.

These particular peers attended the Lords infrequently, tending to make speeches on the subjects that concerned them. For example, Crawford spoke on National Art Collections (1953), and Esher pressed the government in opposition to a possible plan to destroy Nash terrace buildings in Regent’s Park. In these interventions, the eloquent patrician disquiet could not disguise the fact that conservation was hardly a prominent electoral cause, despite the enclaves of middle-class involvement in bodies such as the National Trust. This mirrored the status of a high-minded second chamber, detached from electoral politics.

The planning framework itself had been adapted in stages, with growing but far from total protection for buildings of historical interest. It was in the House of Lords that the 1947 Town and Country Planning Act had been given greater powers in the form of creating a central register of listed buildings. Under Lord Salisbury’s

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225 James Lees-Mine, *People and Places* (2001), p.7. Esher himself on another occasion made a telling remark, which cast light on his interest in aesthetic self-improvement: ‘I lived under the aristocratic system and I know not a few of its secrets. Boredom was the bane of aristocracy, and most of their money was used to avoid or overcome it.’ *HL Deb* 11 July 1957 Vol.204 cols..999-1000.

226 *HL Deb* 30 October 1957 Vol 205 col.579.
amendment, conservation and the planning system would be (uneasily) yoked together in the post-war period. The term, ‘national heritage’, has been credited (erroneously) as first having been used -- by Salisbury, in the Lords -- in 1947. While the claim is not quite accurate, the attribution is logical. 227 Salisbury, an aristocratic Tory, emboldened a Labour government to be more ‘statist’ and interventionist in this area of policy regarding historical buildings.

If London became what John Earl has described as a ‘test-bed’ in the struggle between conservation and development, one particular late-Victorian building was the focus of controversy, and the arguments over its fate were aired in the Lords, particularly. 228 The uncertainty surrounding the future of the Imperial Institute, in South Kensington, gave it a prominence and politically-charged status. Originally built, and funded by public subscription, in the 1880s and 1890s, to plans by Thomas Collcutt, its foundation-stone was laid by Queen Victoria in the year of her golden jubilee. Members of both Houses of Parliament repeatedly raised the question of the Institute. Yet the conservationists on its behalf in the Lords were more vociferous, also with the luxury of having more parliamentary time available and greater depth of knowledge. Given the influential roles outside Parliament of some peers, it is instructive to see how the Upper House stood up to the threat of development.

The functions and purpose of the Imperial Institute were examined by an


official committee under the chairmanship of Lord Tweedsmuir, son of John Buchan, the ennobled novelist and sometime Governor-General of Canada.\textsuperscript{229} (Tweedsmuir had been chairman of the Joint East and Central African Board and a delegate to the UN Assembly; he would later become a governor of the retitled Commonwealth Institute.) As a primarily educational organization, open to visitors from the general public, the value of the Institute was endorsed by the Tweedsmuir Committee, though not without criticism of its lack of popular appeal, as well as a suggestion of a change of name to highlight the Commonwealth. The Committee felt that the site it occupied, next to the campus of Imperial College, was adequate.

However, the architectural status and the showcase for colonial cultural exhibits were offset in government thinking by the issue of limited physical space in central London. Lord Woolton, the Lord President of the Council (and sometime retail executive) -- eager to sponsor policy initiatives of a more market-competitive and technocratic nature – insisted that a high priority should be given to education leading towards ‘a minor revolution in our industrial outlook’, with ‘a new race of technologists and applied scientists’. \textsuperscript{230}

Within the House of Lords, the chairman of Imperial College, Viscount Falmouth, repeatedly pushed for a building extension, while others took a resolute conservationist line against it, though both sides stressed their basic sympathies for either or both cultural or scientific endeavours. \textsuperscript{231} Significantly, Falmouth was an

\textsuperscript{229} Tweedsmuir Committee of Enquiry into the Imperial Institute, 1952-1954. ED 121/803.
\textsuperscript{230} Higher Technological Education. Cabinet Memorandum by Lord President of the Council. 7.10.1952. TNA CAB/129/56.
\textsuperscript{231} In 1952, Falmouth tabled a Lords’ motion which called for the transfer of the Imperial Institute to a ‘more suitable site’, allowing the College to expand its higher training facilities for scientists. \textit{HL Deb} 9 Dec 1952. Vol.179. col.859.
aristocrat (the 8th Viscount, with a barony dating back to the thirteenth-century) who defied any stereotypical 'anti-industrial' spirit: an educational background at Eton and Trinity College, Cambridge, followed by professional activities and scientific interests which ‘embraced engineering, gas, electricity, and coal’. 232

Against Falmouth, the former Labour minister at the Colonial Office, Lord Ogmore, offered a stout defence of the Institute, seeing it as key to Britain’s wider role in the world ‘as the centre of a great Commonwealth or as a small, over-crowded, fog-bound island off the coast of Europe, living on the memories of its past and the charity of the United States.’ 233 The former colonial governor, Lord Hailey believed that the Institute was ‘the one visible centre’ in London for the Empire as a whole. 234

Whenever the topic came up before the Lords in the 1950s, it stimulated a long list of speakers to make contributions, including Tweedsmuir himself. The Royal Fine Art Commission, under Earl Crawford, strongly opposed redevelopment of the site. But the Commission’s statutory role in the consultation process did not give it veto power. In the Lords, Crawford challenged the official position that, if the original building were preserved on the site, as much as one-quarter of the campus area would be lost. 235 Esher, extolling both the Commonwealth and ‘the beauty, dignity and character of this ancient land’, ended his speech emphatically by asserting that the task of government is ‘to build the future without destroying the past’. 236 In support,

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233 Ibid.,col.859
234 Ibid.,col.863.
235 Ibid., col.328
236 HL Deb 13 March 1956 Vol.196 col. 359
Lord Methuen waxed lyrical about the Collcutt building, using a comparison of its tower with an example from the French Renaissance style. 237 (Methuen had presided over a crowded public protest meeting in Kensington, which was reported in the news pages of The Times, on the evening before this Lords debate.) 238

Regardless, the Government stood by its decision to demolish the building in order to allow Imperial College to expand. It had the support of Lord Beveridge, as a former Vice-Chancellor of London University, whose suggestion that the Institute’s tower -- its most prominent detail -- should be retained was eventually realized in the development of the site. More vehemently, Lord Cherwell, the scientist and former adviser to Winston Churchill, (prefiguring C.P. Snow’s later ‘Two Cultures’ argument) complained about ‘a most lamentable type of intellectual snobbery which causes the majority of our so-called educated people to look down on science and technology as some form of menial intellectual activity, on which civilised, cultured people need not embark and are indeed better without’. 239 Cherwell took the opportunity, too, to be scathing about the conservationist lobby, accusing it of faddish and capricious opinions, particularly regarding the Victorian period. After decades of widespread ridicule for the Albert Memorial, he said that he expected that ‘we shall be told that it is the eighth wonder of the world’. 240

This particular subject shows how expertise or dilettante enthusiasm were essential to the identity of the Upper House -- and contributed to occasionally vibrant

237 Ibid., col. 362.
238 ‘Imperial Institute Protest Meeting’. The Times, 13.3.1956. Lords Mottistone and Ogmore spoke at this campaigning event – the latter describing himself as a ‘citizen of Westminster’. He said there were members of both Houses of Parliament ‘who were prepared to fight to the last ditch’.
239 HL Deb 13 March 1956 col.339.
240 Ibid., col.342.
sessions; a set-piece style of delivery tempered by spontaneous exchanges, even if in a somewhat patrician tenor. The Lords did not contain a singular grain of opinion in favour of preserving Victorian architecture at all costs. (Most peers were evidently indifferent or disengaged over this issue.) The conservationist campaign had to settle for the eventual solution of retaining the original tower alone, while a new site, with a purpose-built modern structure, was secured for what became the Commonwealth Institute.

Other planning battles also reared up. Lord Mottistone, who specialized in restoring bomb-damaged historical buildings, used the Lords in order to raise awareness about and object to the construction of particularly tall buildings in the City of London. Despite his strong conservationist argument, the drift of opinion within the Upper House was broadly in favour of allowing new high-rise office blocks, at odds with Mottistone’s aesthetically-minded civic beliefs.

Yet, possibly, the veteran Liberal National, Lord Teviot, pitted himself against Mottistone because his own various company directorships emboldened him to challenge what he regarded as excessive building design regulations in the City of London. (He held, at different times, board positions in several companies, including General Accident, Lloyds Bank and National Bank of Scotland.) The rapid high-rise rebuilding of the financial district appealed to him, affirming in the Lords the primacy of unbridled financial capitalism: ‘the City cannot live on the principle that they must subscribe to art as against their need to produce dollars’.  

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241 HL Deb 09 July 1953 vol 183 cc475-520.
242 Ibid., col. 494.
Various peers shared a disposition to allow new, even physicall obtrusive buildings on what were widely considered to be sensitive sites: Lord Rennell had previously worked at the Stock Exchange and Bank of England; Lord Blackford was a director of Midland Bank and chairman of Guardian Assurance; and the Earl of Mansfield, a Scottish aristocrat, followed free market logic in emphasizing why flexible redevelopment of the City was essential – the premium value of office space, high rents and leases nearing their end, being the main factors. 243

The St James’s Theatre, a landmark in London’s built heritage, fell because of private office development and the failure of ministers to step into the breach on its behalf -- whether through indifference or the potential cost of compensating the developers, despite Winston Churchill’s personal gesture, two years after his retirement, in promising a donation of £500 to the fund for saving the St James’s. (The theatre, built in the 1830s, boasted, amongst its historical associations, the premiere of Oscar Wilde’s The Importance of Being Earnest, in 1895.) Pressure on its behalf brought several peers, during two separate debates in July 1957, to rehearse their own lines in defence. The venue lay in the heart of clubland, frequented by many peers. (The minister, Lord Mancroft, who held no official brief to save it, told the House that it was almost next-door to his club, and his collection of theatre programmes contained several from the St James’s.) 244

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243 Ibid., cpl. 506.
244 HL Deb 09 July 1957 Vol 204 col. 901. The actress, Vivien Leigh, a protestor against demolition, sparked a dramatic scene in the Lords when, as a guest, she stood up in Black Rod’s box and exclaimed during a debate: ‘My lords, I wish to protest against St James’s Theatre being demolished.’ She was then briskly escorted out of the chamber, and according to the report in The Times, ‘their Lordships, however startled they may have been, continued the debate with their customary equanimity’. ‘Lady Olivier’s Cue in Lords’. The Times, 12.7.1957. The incident does not appear in Hansard. Her own observations about the scene were later reported: ‘None of the Lords moved a muscle. In fact it is what, if I had been on stage, I would describe as dead audience.’ ‘Vivien Leigh in Scene in the Lords’, Daily Mirror, 12.7.1957.
As a second Lords’ debate loomed, the Minister for Local Government, Henry Brooke, told his Cabinet colleagues -- and they agreed: ‘it would be desirable for the Government spokesman in the debate to maintain that there was no case for intervention by the Government’.\textsuperscript{245} That stand had to be adopted against a sustained counter-argument in the Lords, including from Conservative peers – though some, like Lord Blackford, a self-confessed theatrical enthusiast, was adamant against any state funding in a bid to save the theatre.\textsuperscript{246} Lord Silkin, the Labour front-bencher who introduced the motion calling for more time in which to find the means to save the theatre, put it to a vote at the close of the final debate, and won a narrow majority of four -- but on a very low numerical roll, only about five per cent of all members: 22 in favour, 18 against. (Various Conservative peers lent their support to the motion, including Lord St Just, who was a teller for the Ayes.)\textsuperscript{247} The Lords had staged lively exchanges on this subject, and obliged a government which had little intention of reversing its policy to justify itself and try to head off the counter-attack of conservationism.

Conservative governments in this period were, however, failing to mollify those of their natural supporters in the Lords who baulked at the details of physical change on the ground. So, for example Lord Blackford -- unsympathetic towards saving the St James’s Theatre and in favour of tall buildings in the City, also in 1957 opposed the idea of what later turned out to be the towering Hilton Hotel on Park Lane -- which would be placed, significantly, next to one of the last grand aristocratic houses in the

\textsuperscript{245} Cabinet Conclusions, 25.7.1957. TNA CAB/128/31
\textsuperscript{246} \textit{HL Deb} 09 July 1957 Vol 204 col.899
\textsuperscript{247} \textit{HL Deb} 30 July 1957 Vol 205 cols.346-393.
capital, Londonderry House, itself to be demolished a few years later. Blackford compared the proposed new structure facing Hyde Park with St Paul’s Cathedral, at roughly the same height, equally overpowering on the skyline: ‘to the east, a lovely structure symbolising Almighty God, and to the west, a massive structure symbolising the almighty dollar.’

The pressures on Hyde Park arising from build-ups of motor traffic were evident when the Macmillan Government introduced a scheme to carve out a section of parkland, along the eastern boundary, in order to add to the thoroughfare of Park Lane. This was a major infrastructure project, and aroused controversy within the Lords -- primarily over whether the sacrifice of cost and parkland (between four and five acres) would be justified by improved traffic flows in the future. The firmest resistance and demand for safeguards came from Conservative peers, such as the former MP, Lord Conesford (Henry Strauss), an outspoken right-winger who objected on grounds of cost, loss of amenity and inadequate traffic improvement. He concluded his speech, after an attack on the loss of plane trees and other detailed criticisms: ‘I know that angry young men sometimes command attention; I know that the position of an angry old man is generally considered to be ridiculous; and I am aware, therefore, that my plea for London -- the city that I love, which I would do almost anything in order to preserve -- may strike some people as old-fashioned and blind.’

In the following voting-division, Conesford was one of four Conservative peers to oppose the measure, carried by 38-4; Labour peers did not oppose it.

The speakers in the Lords summoned up sometimes minute topographical

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248 *HL Deb 23 July 1957 Vol. 205 col.70.*
knowledge. Lord Derwent, a Yorkshire landowner with architectural interests (his brother, the 3rd Baron was a founder-member of the Georgian Group) focused attention on one particular large plane tree, which was endangered by this development. Towards the end of the Second Reading debate, the government spokesman, Lord Mancroft, complimented his fellow-peers by saying that ‘no Victorian Duchess with her carriage and pair on a Sunday morning could have driven round Hyde Park more conscientiously or more argumentatively than your Lordships’.  

A more intensely controversial traffic ‘improvement’ scheme, winning government approval, lay in Oxford. The plan adopted by the Housing Minister, Duncan Sandys (himself, like many in the Cabinet, an Oxford graduate – in his case, at Magdalen College) was aimed at tackling chronic congestion in the city centre by proposing a road through the celebrated Christ Church meadow – though there was continuing disagreement between the university and the city. At a Cabinet meeting, and endorsed by the Prime Minister, Anthony Eden (a Christ Church graduate), the plan was adopted ‘with regret’, though its feasibility remained open to question.

On an issue of this kind, the House of Lords was bound to be stirred up because of personal links through having originally lived and studied in Oxford, with many peers wishing to bring influence to bear against the scheme. This was also a prime example of the Lords in reactive mode, scrutinising and criticising government policy or

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250 HL Deb 17 June 1958 Vol.209 cols.1014-1015
251 Ibid., col.1025.
253 Cabinet Secretary Notebook, 24.7.1956. TNA CAB/195/15. Sandys’ record at this ministry indicated a more environmentally sensitive stance: he sponsored pedestrianised shopping areas in towns and cities, as well as the foundation of the Civic Trust. Later, as a Private Member in 1967, he initiated the Civic Amenities Act, which was instrumental in establishing conservation areas.
legislative proposals, rather than itself initiating policy or collectively setting out a strategy. Lord Beveridge, an Oxford resident and former Master of University College, duly tabled a motion for debate, which included a demand for a Royal Commission to be set up in order to investigate a complex problem. A solution could not be imposed by ‘snap decisions of the Government on single aspects of the problem’. 254

Several peers, in objection, grappled with the intractable traffic problems of Oxford, often in great detail, and the intricate background of the decision-making process. The Labour peer, Lord Lucas of Chilworth (not a graduate, but, ironically, he had been President of the Motor Agents Association) denounced the plan as ‘the craziest, silliest piece of road architecture and traffic organisation that I have ever come across’. 255 The former Liberal parliamentary leader, Viscount Samuel (Balliol College), spoke as a Vice-President of the Oxford Preservation Trust. Viscount Cherwell, making a speech shortly before his death, had a direct personal interest as a resident of Christ Church, whose rooms faced the meadow. Lord Halifax (Christ Church and Fellow of All Souls) intervened, in his role as Chancellor of Oxford University. Lord Swinton (University College), another former Cabinet minister, was more outspoken, insisting that Oxford could not be treated as a local problem: ‘It is not only a national monument, but something much more than that. It has become a shrine of the Commonwealth and of the English-speaking people. I cannot feel that the Government are so treating it.’ 256 Swinton warned that, unlike the passing of normal legislation, however bad or misconceived, building a road through Christ Church meadow would be irreversible: ‘we shall have done the mischief for all time’. 257

254 HL Deb 13 February 1957 Vol.201 col.759.
255 Ibid., col.763.
256 Ibid., col.798.
257 Ibid., col.802.
The list of eminent speakers was long: Lord Salter (Oxford High School, Brasenose College, MP for Oxford University, and Gladstone Professor of Political Theory at Oxford University); the Archbishop of Canterbury, Geoffrey Fisher (Exeter College); and Earl Attlee (University College), who expressed his fellow-feeling across the party divide with Swinton by saying: ‘we have looked at Oxford from the same college windows. There is a certain geographical outlook in this matter’. Also contributing to this extended discussion were Lord Brand (New College and Fellow of All Souls); Conesford (Scholar of Christ Church): ‘I confess at the very outset that I am a Christ Church man, and that I love my college more perhaps than any other institution …. I do not believe that the fact that I am a Christ Church man determines my attitude on this occasion. I believe that I should be as violently opposed to this proposed road if I belonged to any other college, or indeed if I were not an Oxford man at all; and Pakenham (New College and Lecturer and Student in Politics at Christ Church, as well as former Labour parliamentary candidate for Oxford City). Bizarrely, the only slightly divergent note came from the leading light of the National Trust, Viscount Esher, who favoured building a tunnel under the meadow. (Esher’s speech was openly regarded as a filibuster or an elaborate joke by the following speaker, Brand.)

Concluding this extraordinary debate for the Government, Lord Salisbury (Christ Church; speaking as ‘a son of Oxford’, in his words) was in an awkward position, as he attempted to rehearse the options available. He rejected the calls for

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258 Ibid., col. 802.
259 Ibid. col. 822.
260 Ibid., col.816.
261 Ibid., col. 819.
262 Ibid., col. 834.
a Royal Commission to look into the issue, but allowed for a wide-ranging public inquiry, attempting to reassure peers. 263 The mechanics of a devolved local planning process would, anyway, not allow for a simple edict from the centre of government, even over this sensitive environmental and heritage site. Yet the formidable force of opinion in the Lords represented a rare example of collective advocacy on behalf of a conservation issue which was endowed with significance for the nation as a whole. There was certainly a tendency for grandiloquence to overshadow the main subject. Lord Conesford compared the need to save Oxford with Churchill’s mission to win the Second World War: ‘It can still be done, but nothing less will suffice’. 264 Behind the debate – and amplified during many of the speeches – lay the spirit of William Morris’ idea of conservation as a trusteeship. 265

The resounding concern in this case could not be ignored; the impact of the peers’ argument against the road-building scheme did not by any means stop it; there was limited national press coverage or substantial public clamour. But the regular Cabinet meeting in advance of Beveridge’s motion in the Lords shows that ministers were wary of reactions in the Upper House; Salisbury was already calculating his tactics if the issue were to come to a vote there. He told his Cabinet colleagues: ‘The more Peers attend, the greater the majority v. the Govt. I am therefore reluctant to put the Whips on’. 266 Salisbury was sceptical that Conservative peers in sufficient numbers would support their official party line.

263 Ibid., col. 845.
264 HL Deb 13 February 1957 col. 827.
265 Morris had argued in favour of historic buildings: ‘They are not in any sense our property, to do as we like with. We are only trustees for those that come after us.’ Quoted, Andrea Elizabeth Donovan, William Morris and the Society for the Protection of Ancient Buildings (Abingdon, 2008), p.121
266 Cabinet Secretary Notebook, 11.2.1957. TNA CAB 195/16/12.
In fact, there was no voting-division. So, this major debate in terms of the Lords’ agenda and the gravitas of the speakers can only be assessed as a parliamentary occasion where the ‘ventilating’ of opinions helped to confirm a strong consensus. The life-background of these peers was often invoked in their speeches. How it exactly swayed the official handling of the matter was impalpable. But what cannot be overlooked is the manner in which eminent peers called on the emotional ballast that came from a shared alma mater, as well as successfully identifying the details of a local planning dispute in Oxford with the far more momentous question of national heritage. Ministerial changes and the protracted arguments over how best to deal with Oxford’s traffic problems left the Christ Church meadow road scheme as a possible option for the next decade, until it was finally discarded on environmental grounds – and a preferred by-pass and ring road solution eventually took form, relieving the worst of the traffic pressure.267

On a different heritage front, the heyday of grand country houses was over, and only a very small minority of peers now had a direct vested interest – yet the conservation (and related financial) aspects of these buildings attracted a certain degree of political attention. According to one estimate, ‘at least 458 substantial British country houses, for which new owners or uses could not be found, were demolished between the two wars’; and a total figure for the ten-year period from 1945 onwards was set at nearly one thousand.268

267 During a later Lords’ debate on the subject, Viscount Hailsham (Scholar of Christ Church and a former Conservative MP for that city) declared hyperbolically: ‘The question of Oxford roads has created more angry words and severed more friendships in Oxford than any subject for debate there since the condemnation of (Cardinal J.H.) Newman, and the varieties of opinion expressed have also at times been as bewildering as the varieties of Christian doctrine displayed between the third and sixth centuries of our era.’

Broadly, there was a shared view across the party divide about avoiding substantial Treasury expenditure for the rescue of this area of the national heritage. In 1953, the Lord Chancellor, Lord Simonds (who chaired a Cabinet committee) gloomily concluded: ‘All that the Government can hope to do is to preserve a small number of such houses as symbols of a former civilisation’. 269

The theme was taken up with alacrity in the House of Lords. Unlike the other aspects of the built environment, which regularly arose, the question of the country house featured only at this particular juncture, in 1953, as the Government presented its policy measures. When Lord Methuen introduced a motion, he criticised the ‘trivial and short-sighted’ scale of the public sums available. Methuen pointed to the relative lack of official protection for many historic houses -- if they did not have full listed status, or if they had deteriorated to the point of being prohibitively expensive to save. He made a strong plea for recognizing the architectural value of these buildings, and drew unflattering comparisons with the French practice of monitoring and protecting their heritage, often under state custodianship. ‘There are those who chide us for looking back into the past as if our present were a matter of spontaneous combustion and owed no debt to the past. It must, however, be obvious that we can get nowhere if we do not study and learn from the past, which is the foundation on which the future is built.’ 270 For Methuen, in battling mood, the ‘vandals and iconoclasts’ were threatening ‘an irreplaceable assemblage of the creations of architects and craftsmen

270 HL Deb 14 May 1953 Vol. 182 col.554
over the greatest period of our history’. 271

Several other peers voiced their concern; some of them, like the Earl of Wemyss (Chairman of the Council of the National Trust for Scotland), and Viscount Gage, owners of historic properties. Lord Mottistone, as an architect, proposed a levy towards these houses from new building works, which would then accumulate into a substantial preservation fund. That was easily dismissed by the Lord Chancellor. 272

But, overall, these speakers did not constitute a unified defence committee fighting in the last ditch against the authorities, in the cause of the beleaguered stately home. Even when arguing from their direct personal experience, the country house-owning peers, including Lord Brocket, took a pragmatic line, trying to find practical solutions, when challenging a Conservative government which regarded this area of national heritage as a low priority for public spending. In opening his house to paying visitors, Earl Bathurst justified the decision to peers, partly as a duty where there was rising public interest, and partly for the purpose of claiming tax allowances for running such a house as a business’. 273 This view was echoed by Lord Montagu of Beaulieu, a stately home owner who was a pioneer of enterprising ways of attracting a paying public. He wanted more publicity to be given to these buildings, arguing that any measures of support would be popular. 274 Meanwhile, the Labour peer, Lord Winster, asked for tax to be charged on the sale of these properties, not on the death of an owner. He wanted such a house to be recognized as a work of art, on par with

271 Ibid. col. 554.
272 Ibid., cols. 581-583.
273 HL Deb 09 June 1953 vol 182 col 768.
274 Ibid., cols.774-776.
the nation’s poetic heritage.\textsuperscript{275}

As a whole, the debate was wide-ranging and intelligent, despite being somewhat repetitive -- not least, because there was an overall sense of the imperative of saving as many historic buildings as possible. The concerns persisted when the Government eventually introduced its legislation on the matter, a few weeks later, the Historic Buildings and Ancient Monuments Bill. The Lords’ response to the provisions mixed a cautious welcome with inescapable disappointment at the financial sums available. Viscount Esher, speaking on behalf of the National Trust, offered some praise, and developed the idea of finding newly adapted uses, leased as museums for exhibition space or local government offices.\textsuperscript{276} In the lobbying behind the scenes, a cross-party group of eminent peers wrote a letter to \textit{The Times}, in July 1953, demanding a single organization at the centre to co-ordinate the work currently split between two ministries and complicated by different advisory agencies.\textsuperscript{277}

After the end of this period of legislation (the 1953 Historic Buildings Act) and vocal concern in support of the country house, the Lords did not maintain pressure on government. The details of administrative mechanisms and planning over the sensitive area of heritage were mainly left to ministers and amenity groups to deal with. Sir David Eccles, the Minister of Works, did acknowledge and take up Lord Methuen’s suggestion of a Historic Buildings Bureau, as an auxiliary agency of the Historic Buildings Council, with a register of new uses for historic houses.\textsuperscript{278}

\textsuperscript{275} \textit{Ibid.}, col.759.
\textsuperscript{276} \textit{HL Deb} 27 July 1952 Vol.183 cols.918-922.
\textsuperscript{277} Letter, ‘Care of Historic Sites’. \textit{The Times}, 14.7.1953: The signatories were Airlie, Euston -- in fact, heir to the Duke of Grafton -- Jowitt, Methuen, Silkin, Spencer, Waverley and Winster.
\textsuperscript{278} \textit{HC Deb} 14 April 1954 col.125W There was no firm objection in the Lords when, by 1957, only about one- fifth of the original fifty million pounds invested in the National Land Fund remained, after most of its reserves had been siphoned off by the Treasury.
In relation to conservation causes, the floor of the House of Lords was used effectively for critical speeches. Where peers across the party (and non-party) divide shared the same conservationist message, there was definitely a combined strength which governments had to take into account. The fact that this subject-matter of policy, either on a macro- or micro-level, had not featured as part of a government programme, either in an election manifesto or Queen’s Speech, conferred greater discretionary responsibility on an Upper House, where peers, unlike MPs, were not entangled in the demands of grassroots democracy. This different form of relationship to administration and decision-making – detached and deliberative – touched the core of what the Lords represented in constitutional terms. It resembled the ideal vision of what, early in the twentieth century, Sidney Low envisaged peers might actually accomplish at Westminster: ‘They might lift politics from the rut of the commonplace, and bestow some attention on those more comprehensive principles, and those remoter consequences, for which a bustling popular assembly, and a busy partisan executive, have no time or thought’. 279

This conception of the Lords could accommodate outspoken ‘senatorial’ peers, even those with causes or crusades which they wished to promote. They had the capacity, at times, to cause embarrassment, but their objective was by no means one of automatic rebellion against the course of government policy – and, anyway, by joining up, when they did, with a numerically weak Opposition in the Lords, they hardly threatened the government’s survival, unlike potential dissidents in the Commons. When these outspoken critics did speak out, whether in the chamber, at public

279 Low, Governance of England, p.250.
meetings or on the letter pages of *The Times*, it was often with the attitude of lordly eminence. However, despite that influence in a forum of argument, they held limited sway over decision-making at the heart of the state.

In civic, as well as wider constitutional terms, the Lords offered a safety-valve and guarantee that a visually changing cityscape might be the object of negotiation rather than being reshaped by executive fiat alone. The Lords did not act as a unified rearguard faction in blocking new patterns of civic redesign. Beveridge, in his London University role, had promoted major material change in the construction of the Senate House, and wanted an expanded campus for Imperial College, yet, in an Oxford context set himself against what he saw as a destructive road-building project; Blackford favoured redevelopment in the City but rejected a high-rise hotel on Park Lane. The Lords did play a significant part in vocalizing cautious instincts – ‘aesthetic conservatism’ – questioning a trend which otherwise might be taken for granted. A minority of peers were intent on preserving what they saw as the valuable fabric of the nation, against a Conservative government which believed in modernising – even, at times, sweeping away -- that fabric.
CHAPTER 4: COMMERCIAL TELEVISION AND ‘CULTURE WARS’

The prospective introduction of commercial television loomed large in the House of Lords during the post-war Churchill Government. For more than two years, it consumed a great deal of parliamentary time and energy, as well as generating bitter dispute over the continuance of the BBC’s monopoly, freedom of choice for the domestic viewer and what some regarded as the blight of US-style commercialization. Viscount Simon believed that the proof of how difficult it was as a question lay ‘in the fact that opinions were so divided’. 280

As with conservation issues, the quality of dissent and advocacy on this question within the Lords had a particular value: authoritative and high-minded peers personified a political culture which was at a remove from electoral politics; free expression might offer greater challenges over policy than the more trammelled party loyalism of the Commons.

Above all, it was indignant voices within the Lords which countered the zeal behind the commercial lobby. However this episode is seen, the role of the Upper House proved to be essential to an argument which the Government itself was apprehensive about. The eventual change, heralding competitive broadcasting, would transform the viewing choices and habits of most of the population. An examination of how that change came about entails a closer look at ‘lordly’ opinion. It is a prime example, in constitutional and political terms, of how ministers felt a duty to treat the Lords as a listening-post or – from a different angle – ‘ventilating’ chamber for this distinctive type of opinion, at odds with official policy.

Although broadcasting had existed only for three decades, the Lords – or some of its members – had been closely associated with the institutional body of the BBC, another token of the significant public status and patronage which certain peers benefited from, as acceptable ‘disinterested’ figures. Peers featured disproportionately as Chairmen of the BBC’s Board of Governors: they comprised five out of the first ten appointed (including during its initial, pre-corporation phase), from 1922 to 1957. Between 1925 and 1949, five major official committees looking at various aspects of broadcasting were set up; all of them chaired by a peer, enjoying a political profile whilst above the political fray; Beveridge (awarded a peerage in 1946) was the most recent of these figures. 281 Although Beveridge had been amenable to limited advertising, he turned into a vehement critic of the commercial broadcasting prospectus. 282

The critical opinions that were aired in the Lords – and, indeed, the attempt to defeat government policy -- stand out, not primarily because of set-piece or ideological battles across the party divide. Instead, the clash again involved traditionalist peers, including natural Conservatives, who took independent, senatorial stances. These debates in the Upper House embodied the spirit singled out by the Bryce Commission in 1918 as both apposite and desirable for this parliamentary body: the ‘Full and free discussion of large and important questions’. 283

Significantly, it was peers themselves who decided which questions were

281 Three peers, under Earl Crawford and Balcarres, sat in 1925; Lord Selsdon, a former Conservative MP, chaired in 1934; Viscount Ullswater, the former Speaker of the Commons, in 1935; Baron Hankey, the former Cabinet Secretary, in 1943; and Beveridge, in 1949, with the Earl of Elgin among other members.

282 José Harris emphasizes that Beveridge had been ‘anxious that broadcasting should be protected against any form of commercial control. At the same time, however, he was inclined to be critical of the existing powers and structure of the B.B.C.’ Harris, Beveridge: A Biography (Oxford, 1977), p.454. The nature of the debate was prefigured in Beveridge’s broadcasting report:‘It is difficult to avoid the feeling that the opponents and proponents of commercial broadcasting...are somewhat at cross purposes’. Broadcasting Committee Report. (1951) Cmd. 8116, p.106.

283 Reform of the Second Chamber. Cmd. 9038 (1918).
large and important; they were often not the stuff of an election manifesto or highlighted in a government policy programme. In this case – with the involvement of a largely different set of individuals from the conservation battles – instinctive conservatism (lower-case ‘c’) was reinforced by a cultural battery, a proudly self-conscious defence of the proclaimed but besieged virtues of national life, which might be jeopardised by commercialization.

Most accounts of this phase of political history fail to recognize how the parliamentary drama surrounding the gestation of commercial television became both a challenge to governmental statecraft and a symptom of internecine Conservative ideological conflict. Anthony Seldon relegates television to a brief (but less fleeting) treatment under ‘Administrative Affairs’. 284 Although Peter Hennessy does register the significance of the build-up to the creation of a commercial TV channel, his emphasis on Churchill’s own extremely grudging attitude has the effect of reducing the struggle to a sideshow in which a younger generation of free marketeers, who wanted commercial TV, triumph over their traditionalist colleagues, who steadfastly favoured the existing BBC monopoly. 285

Some eminent peers – a small minority – suggested something like a ‘culture war’ on behalf of ‘civilized’ values, ranged against the policy of a government which they were otherwise inclined to support. They tended to speak in a paternalistic manner, for this specific cause. The fact that they were not representative of the Lords as a whole did not detract from the resonance of their opinions, though they ultimately failed to block commercials and US-style variety shows on television screens. Meanwhile, the Labour Party stood straightforwardly against the notion of breaking the BBC’s monopoly. 286

284 Seldon, *Churchill’s Indian Summer*, pp. 143-146.
286 The former Labour minister, the Earl of Listowel, asked the Government ‘to maintain the present intellectual, cultural and ethical tradition of British broadcasting. That is not a Party matter. That is a matter that appeals to the national pride of people in every Party and in every walk of life. We believe that the policy proposed in relation to television will encroach upon that tradition’. *HL Deb* 22 May 1952 Vol.176 col.1313.
Eight well-known figures in the Lords vehemently rejected changing the broadcasting regime: Beveridge, Brand, Hailsham, Halifax, Radcliffe, Reith, Samuel and Waverley. Four peers were, or had been, Fellows of All Souls (Halifax, Hailsham, Brand, Radcliffe).\(^{287}\) As Radcliffe put it, in a lengthy letter to *The Times*: ‘I have grown used to thinking of the problems of competitive broadcasting as difficult, perplexing, and quite important’.\(^{288}\)

Some of these elder statesmen combined roles in the anti-commercial lobby, the National Television Council, with membership at some stage of the BBC’s General Advisory Council, part of the corporation’s governance structure; they were doughty defenders of the BBC’s monopoly. They represented a high-minded resistance, convinced that change would bring an erosion of cultural standards: heirs of the ‘clerisy’, or an ‘intellectual aristocracy’, emboldened to proclaim their views.\(^{289}\) In the early-1950s, Benjamin Jowett’s mid-Victorian ideal of civic eminence retained a lingering, though undefined and uncertain place.\(^{290}\)

Four of these ‘rebel peers’ were members of the Athenaeum Club, a social hub for high-minded public figures.\(^{291}\) (At least three other eminent peers who voted

\(^{287}\) *The Times’* later obituary of Brand (he had been a director of that newspaper), headlined ‘Banker and Public Servant’, paid tribute: ‘He was an outstanding example of a species which has dwindled in numbers over the years -- the London private banker, who is also economist, philosopher, and, within a certain range, statesman, too’. *The Times*, 24.8.1963.

\(^{288}\) *The Times*, 19.10.1953.


\(^{290}\) The two Liberals among the dissident peers against commercial TV, Beveridge and Samuel, were both products of Jowett’s college, Balliol. Six of the eight had studied at Oxford University: three reading Classics, three, History.

\(^{291}\) The term, ‘rebel peers’ was used about these individuals, in ‘Two-Day Debate on Television’: *The Times*, 23.11.1953. In the words of its official chronicler, the Athenaeum ‘was not, like some of the older Clubs, a preserve of the aristocracy or of wealth. It was not that mythical entity, an ‘exclusive elite’, but, like all true elites, it was an ‘inclusive elite’ to which achievement in any eminent cultural activity qualified for admission’. F.R.Cowell, *The Athenaeum: Club and Social Life in London, 1824-1974* (1975), p.12.
against commercial television, Earl [Bertrand] Russell, and Lords Hankey, the former Cabinet Secretary, and Hailey, the former colonial governor, also belonged to the Athenaeum.) Most were first-generation peers – with the exception of Halifax and Hailsham, third- and second-generation respectively. So, there was a clear pattern of involvement for this small cohort of public service in the fields of administration, colonial rule, diplomacy and politics. None of them can be classified as belonging to the ‘active’ group of peers – though Hailsham would later become a minister. They attended and spoke when subjects of particular personal concern came up in the Lords.

On the other side of the ideological fissure within Conservatism, manifest within the Lords itself, the main commercial advocates shared the robust approach of the lobbying organization, Aims of Industry, which had helped the party cause in the two elections of 1950 and 1951, and were gathered in the Popular Television Association. Their president was Lord Derby, and other leading lights included Lord Brabazon of Tara, Lord Balfour of Inchrye, Lord Fairfax of Cameron and the future 10th Earl of Bessborough.292

The ministers responsible for drafting and piloting the legislation also happened to be peers: Lord Woolton, the Lord President of the Council (until illness forced him temporarily into a less active governmental role), Lord Salisbury, the Leader of the House, and Earl De La Warr, the Postmaster-General. Of these three, it was Woolton, coming from a business background, who was most avidly in favour of commercial TV, while his colleagues appeared to invest more energy in ensuring a satisfactory compromise outcome. Salisbury acknowledged back-bench pressure in the Commons for a break-up of the BBC monopoly. This fundamental issue, and

292 Bessborough later wrote: ‘Despite very considerable opposition from the Churches, the universities and many other responsible bodies, I always believed that the BBC monopoly would ultimately be broken. But many of my friends were horrified by the prospect of commercial television and needed a great deal of convincing’. Earl of Bessborough, Return to the Forest (1962), 211-12.
commercial broadcasting, were ‘likely to arouse deep-seated prejudices’ in either of the two opposing camps. 293

As a party facing the electorate, and for most of its period in government in the first half of the 1950s, the Conservatives were outwardly united. Indeed, the language of enterprise and ‘freedom’ helped to bring together what Richard Rose, in a general analysis, termed the different tendencies of a political party. These tendencies, unlike factionalism, have a fluid quality. ‘Adherents are often not self-consciously organized in support of a single policy and they do not expect, nor are they expected, to continue to operate as a group supporting the same tendency through a period of time’. 294 But the commercial television issue – which had not been included in the 1951 election manifesto – polarized opinion in the different Conservative ‘tendencies’, with greater force in the Lords than the Commons.

Hints of a ‘rebel’ conspiracy were picked up by De La Warr, who told the Lords: ‘During the last week or two, as one has moved about the passages of this House, as one has looked into the corners of the Library and the Dining Room, one has seen little, anxious groups, I will not say of elderly Peers, all colloquing together, propagandising (sic), lobbying.’ 295

The Upper House held a series of heated debates, initially on back-bench-initiated motions, attracting a long list of speakers – and, in doing so, demonstrating a far from somnolent atmosphere. In senatorial vein, Lord Reith (the original moulder of the BBC’s ethos) was an eloquent, if at times self-defeating, participant in this battle. Reith told the Lords that the supporters of commercial TV ‘will have sunk a maggot -- a quite unnecessary maggot -- into the body politic of England’. 296

296 HL Deb 01 July 1954 Vol 188 col.356.
Reith’s intervention was described by his biographer as ‘the heart-cry of a prophet wasting his words in a wind-swept wilderness’. These objectors' use of Biblical imagery -- such as tales of the Golden Calf -- were too extreme to be productive. But claims to the cultural high ground and sheer hyperbolical excess were not solely the preserve of the critics. When the Lord Chancellor, Viscount Simonds, closed the 1952 debate for the Government, he invoked John Milton’s Areopagitica, the stirring seventeenth-century plea for freedom of expression, on behalf of a commercial alternative to the BBC.

Although the break with the established broadcasting monopoly would go ahead regardless, there were also discernible ways in which the extended and occasionally vexatious debate served to influence the formation of a new regulatory regime: different from the past, but not one of unbridled commercialization. The temper of the Upper House in relation to policy matters in the social, ‘moral’ and cultural fields remained impalpably old-fashioned, at times unreconstructed. However, it was never uniformly reactionary, despite the strong rhetoric.

A later account, which focused on the campaign led by a group of younger Conservative backbench MPs on behalf of commercial television – described ‘in essence an intraparty conflict over the introduction and passage of a single piece of legislation’. This represented a defeat for the party leadership at the hands of ‘powerful economic groups in the Conservative coalition’, TV manufacturers, advertising agencies and financial institutions, reinforced by public relations companies.

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298 Hailsham declared: ‘In my sleepless hours the other night, when I was wondering what I could say to convince your Lordships to-day, I thought I found myself in the camp of Israel, when their assembly was debating the suitability of erecting a golden calf in addition to the established Church of the time’. HL Deb 25 November 1953 Vol. 184 col.517.
There is a danger, nonetheless, of overstating the effect of the pro-commercial campaigners. However forceful this intra-party ‘free market' insurgency was, it did not manage to dictate the terms of the new broadcasting regime. On this score, the impassioned arguments of the ‘rebel peers' at least strengthened a basis for a greater degree of regulation than the free marketeers had envisaged – though the initial White Paper on the subject, in May, 1952, spoke of ‘a controlling body... for regulating the conduct of the new stations, exercising a general oversight of the programmes and for advising on appropriate matters’. 301

After the Government had committed itself in principle to some form of commercial alternative to the BBC, Churchill wished it to be treated as an issue of conscience in Parliament, virtually detached from its place in the government’s main policy programme. 302 That option would be impossible. So, given such strong feelings on both sides, the outcome turned out to be a compromise of sorts, seen through with pragmatic determination. As the subject was picked over in the Lords, we can see how that particular ‘ventilating chamber' proved instrumental: a forum where the lines of a future regulatory broadcasting regime were clarified. The expressed attitudes there did not make for consensus, nor prevent parliamentary confrontation altogether, yet they allowed for the limits of proposed change to be tested.

Meanwhile, the Government cautiously developed its proposals, sensitive to the strength of feeling in the House of Lords. This slow evolution exemplified how Stuart Mitchell has cast Conservative policy innovation in this period, materialising ‘from a process of bartering and persuasion that sometimes trundled on for years’. 303 John Ramsden’s observation about the making of party policy -- that it ‘must

302 Cabinet Conclusions, 5.11.1953. TNA CAB/128/26/63.
be a collegiate activity’ – also applies.304

Lords Halifax, Brand and Waverley, co-founders of the anti-commercial National Television Council, were among the signatories of a letter to The Times in June, 1953, headed ‘A Call to Social Responsibility’. 305 Later in the same month, the Cabinet’s conclusion was to ensure that an official statement of policy intent ‘should be designed to remove misconceptions, to allay anxieties by explaining the limitations and safeguards to which competitive television would be subject, and to provide a firm foundation on which public opinion could exercise a sound judgment in due course’. Significantly, concern was expressed about the Lords, ‘where opinion was undoubtedly hardening against competitive television’, and so the Government hoped to avoid a voting division there.306

When the vote did come, on a backbench motion in November 1953, at the end of another major two-day debate in the Lords, the Government issued a two-line whip as a calculated means of calling on its ranks of supporting peers. ‘From mansion to maisonette, the peers are being called into action’, announced the Daily Express’s political correspondent -- though no one, including government ministers, knew whether or not the ‘backwoodsmen’ might even rebel.307

In this debate, Labour peers, such as Lords Simon of Wythenshawe (who had served as BBC Chairman) and Kenswood (a former BBC Governor), put forward fair-minded objections to introducing profit-making concerns and breaking the BBC’s

305 The Times, 4.6.1953.
307 Daily Express, 21.11.53.
monopoly. They were joined by the Archbishop of Canterbury, Geoffrey Fisher, strongly opposed to the prospect of commercial television, on several grounds, including the threat of lower quality as a result of the expanded output. Hailsham, who had opened the debate, in the place of an unwell Halifax, himself underscored the public service values of the BBC, lauding it as ‘the greatest instrument for good that has been devised since the printing press’.  

Lord Salisbury, closing for the Government, lamented that the opponents had not put forward a unified scheme of their own for the future of television. Indeed, entries in Lord Reith’s diaries show that the leading opponents in the Lords conferred in private meetings at Westminster. But Reith’s hard-line attitude demonstrates how and why he and his illustrious colleagues could not forge a common and constructive line beyond basic opposition. ‘On being asked for views I said the thing was evil; so I wasn’t interested in tinkering amendments; but there might be a clause putting off the operation of the bill for two years. That was a bit of a shock’. But not all opponents of the Bill simply adhered to an absolute and uncompromising approach.

In the following voting division, the Government side -- in favour of commercial television -- notched up a majority of 70 (157 to 87, including four bishops). Shortly afterwards, De La Warr, told the Cabinet of the need to satisfy some of the opponents in the Lords -- specifically, Lord Waverley -- with a concession about not funding the proposed independent television corporation purely through advertising revenues. De La Warr asked for, and was given, Cabinet approval to conduct confidential

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308 HL Deb 25 Nov 1953 Vol.184 cols.539, 590. Earlier in 1953, Lord Simon published a memoir and analysis which was germane to the debate on broadcasting: *The BBC From Within*.
negotiations with Waverley. De La Warr emphasised the importance of taking the Lords’ opinions into account. the Government’s success in defeating the rebels there ‘had been due in part, at least, to the undertaking which they had given to give further study to some of the ideas put forward in debate and that it would be necessary in due course to carry a Bill through that House’. 313

In effect, some of the dissident peers were responsible for engineering a durable compromise arrangement with ministers. This highlights how the Lords managed informally to accommodate discordant points of view, defusing what had earlier been an intense dispute. Subsequently, the Bill allowed for part-funding direct from the State. But, on this detail, the Government was in the awkward position of trying to find a path between the pro-commercial lobby in the Commons and the anti-commercial lobby in the Lords, what some castigated as the evil of monopoly on one side and the evil of commercialism on the other.

The Bill would be vulnerable to revolts within Conservative ranks in either or both Houses. But, by autumn 1953, deft statecraft prevailed. Unlike capital punishment, this was not an issue which would attract grassroots Conservative sentiments in defence of the existing order.314 Asa Briggs emphasizes how ministers had decided to follow a conciliatory approach. 315 Despite anxieties over possible strongly pro-competition Conservative rebels in the Commons and the fervent opposition in the Lords, both Houses later endorsed commercial television, aided by the Whips, with comfortable majorities; the Lords, by a margin of 66 (130 to 64). Lord

313 Cabinet Conclusions, 2.12,1953. TNA CAB/128/26/75.
314 At the party conference, in October,1953, four resolutions were submitted in support of the government’s television plan, and a pro-competition motion was carried. Asa Briggs, The History of Broadcasting in the United Kingdom: Volume IV: Sound and Vision (Oxford, 1979), p.833.
315 Ibid.
Woolton acknowledged: ‘We listened to your Lordships; we heeded your warnings; we have accepted advice; we have produced the Bill, and we stand by it. It is a new measure to meet a new need’. 316

Some of the vexatiousness of the commercial television debates was still evident more than three decades later, when Lord Hailsham wrote his memoirs. Acknowledging that he might have made some mistakes, he felt, nonetheless, that he had rightly challenged ‘an ill-thought out piece of legislation introduced after inadequate preparation and probably for the wrong reasons’. In fact, flawed thinking could be found on both sides of the argument. The uneasy oppositional alliance that took shape in the Lords, and which he joined enthusiastically, was also troubling for Hailsham. He admitted that his own side contained ‘the usual windy rhetoric from the left about the wickedness of profit, and the mythical but supposed subservience of Conservative leaders to those who make profits at whatever cost to aesthetic, social or cultural values’. 317

However, what the Churchill Government envisaged as an orderly, routine change in national broadcasting had involved the risk of a divisive and protracted ‘culture war’, where elements in the Lords would use the ‘political pulpit’ in order to lambast and possibly overturn policy. Even after allowing for the intense feelings and their accompanying hyperbole, the judgement of one historian of television does not seem exaggerated: ‘The ending of the monopoly wrenched British broadcasting so violently out of the orbit it had swung in for thirty years that many of those who believed the change was a disaster could not accept it as historically plausible and sought

316 HL Deb 01 July 1954 Vol.188 col.324.
explanations in deeper and more arcane sources’.

Ultimately, the turbulence and revolt within the Lords subsided. But the Government had invested its own political capital in the Television Bill, so helping to marshal sufficient numbers in its loyal ranks in the Lords and thwarting revolt. The issue, exhaustively debated in the Upper House over the course of more than two years, did test the parliamentary chamber, not just as a stage for oratory, but also in the formation of policy. There was a clash between cultural traditionalism as a doctrinal cornerstone and more thrusting free enterprise attitudes, For its part, the Government did not capitulate to a small but highly articulate band of noble dissidents.

Although these peers were not diehards or serial rebels; they responded with a mixture of visceral and intellectual disgust to the prospect of television advertising. But, at the end of the legislative process, Earl De La Warr, on behalf of his ministerial colleagues, wearily recognized the role of these opponents, paying them a back-handed compliment: ‘We have sometimes been a little sad about what we have felt to be the arrogance and sense of superiority shown on the part of some noble Lords opposing the Bill; but we have never doubted their sincerity’.

Commercial television had become integral to the government policy agenda, yet also fitting into the mould of an issue of conscience. In the Lords, as in the Commons, issues of conscience were mostly ring-fenced and not subject to the discipline of party management in the form of a ‘whipped’ vote. From euthanasia to divorce, homosexuality to capital punishment, the convention that prevailed from the 1930s onwards in areas of social policy was to allow legislators to exercise their own

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319 HL Deb 22 July 1954 Vol 188 col.1333.
judgement, rather than to conform to any guidelines laid down by party. For the Lords, normally freer from party tribalism and the trends inherent in public opinion, this was a natural terrain in debating terms.

The arguments in the Upper House trailed an aura of a grand ‘state of the nation’ inquest. This was because of the individual experience and, often, the gravitas and moral authority of the speakers there. The deliberations attracted press attention, which in turn enhanced the chamber. Heralding the final debate on the Television Bill, The Times’ editorial – directed against commercial television – addressed the Upper House, trying to appeal to its very rationale in the constitutional framework, with the object of inserting more safeguards in the legislation: ‘the Lords are often at their best as a revising Chamber. But they have an even greater role -- to strip issues of party rancour and to bring them back to fundamentals’. 320

The Times’ view of the Lords as a chamber which allowed for generally reasoned debate was a fair one, even if the overall quality of that debate lacked consistency, and the range of representative opinion remained narrower and more socially typecast than it might otherwise have been. Yet, through the urbane tone (despite splenetic moments) and independent expression, the Upper House provided a ventilation for discontent, but also allowed a channel of parliamentary consent for what some felt to be a highly controversial measure.

320 ‘The Fight For Values’. The Times, 30.6.1954: ‘The House of Lords has ... many times shown its overriding concern for the enduring values. It is to be hoped that they will see this Bill as the threat to those values that it really is and reject it’.
CHAPTER 5: SUEZ: MILITARISM AND MORALITY

‘In turning to events beyond these shores, we note that it was recently acknowledged on all sides that Her Majesty's Government have been faced with problems as intractable as could have been devised for the wisdom of Solomon’. -- Lord Birdwood. November, 1956

In the 1950s, advocacy both for and against the use of military power in Suez, whether hawkish or sceptically inclined, became a major concern within the House of Lords. True to its overall temper, the Lords displayed a greater level of civility than the Commons, where recriminations between the main parties led the Speaker to suspend proceedings at one stage. Indeed, the breakdown of order in the Commons underlines by contrast the value of the Upper House, not caught up in tribal fractiousness or the demands of electoral politics. The build-up to war engaged several peers, forming something like a cabal, liaising with the like-minded Suez Group of MPs and articulating the case for British imperial interests and in opposition to Egyptian nationalism. Their own backgrounds – largely in public service – informed and gave ballast to their arguments in the chamber. Although they voiced their opinions through other outlets, mainly in the press, their use of their parliamentary position became a primary campaigning platform.

321 HL Deb 06 November 1956 Vol.200 col.7.
322 Controversy over foreign policy had its own tradition within the British political system -- celebrated in A.J.P. Taylor's study, The Trouble Makers, which was published soon after Suez. Moralistic dissent, saw itself as aligned with the national interest; while British claims to global military interventionism -- what Taylor typified as the ‘ponderous certainty of John Bull’ -- did likewise: ‘the cause of Right (whatever that happened to be at the moment) was also a better way of securing peace, security, and even British predominance in the world’. Taylor, Troublemakers, pp.11, 13-14. The text was based on Taylor's Ford Lectures at the University of Oxford, delivered in the run-up to Suez, in Hilary Term, 1956.
Lord Campion had argued on Parliament's behalf in 1952 that it had ‘not yet reached a stage at which debate is to be regarded … as mere deference to an outlived tradition and as having no longer any effectiveness in controlling the activities of government’. 323 Although policy-making and strategy decisions were not in the Lords’ constitutional domain, the chamber served a noteworthy political function in the overall parliamentary edifice that Stuart Ball has described as ‘a principal guarantor of national stability’. 324

In both chambers, straightforward loyalism appeared to win out, underwritten by a government majority. In the wake of the failure of Suez, many peers were less able to point the way forward for Britain’s role in the world than to sound an outmoded refrain over past glories. Buffeted by events, they often tried to hoist their own chauvinistic standard, despite Eden’s sober reflection in the immediate aftermath that the Suez episode had ‘revealed realities’ behind British power. 325

By examining signs of dissidence within the Lords – not necessarily along set partisan lines – we find the tension between an interventionist foreign policy, instigated there by various (mainly retired) distinguished public servants, and an awareness of international order, based on the two superpowers and newly independent states. Again, this was an issue which tested a traditionalist ‘affect’ in the Lords, a defence of a deep-seated view of the world and the British posture in relation to it.

The Upper House, alone, did not shift the Government’s essential posture; there was little public recognition at the time of the Lords’ role. However, it served to

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clarify a ‘moral’ approach during a period of hostilities. Certain speakers gave consideration to judicious conduct in diplomacy. Correspondingly, the ‘patriotic’ argument on behalf of historical national interests and a policing or ‘peace-making’ role had also been forcefully put in the Lords.

Reflecting the changing profile of a gradually ‘professionalising’ Lords, we can also see how, in biographical terms, most of the outspoken peers held either first-generation titles or were of recent hereditary vintage; their military or administrative experience gave them prominence, and can be traced as formative factors. Later, in the phase when British military intervention was imminent or had already taken place, the Lords again became a scene for the airing of equally independent-minded opinion from the opposite flank. Looking at how the Upper House expressed itself adds to an understanding of the episode as a whole, but – in the context of this thesis and its emphasis on significant policy subjects – allows us to gauge opinion and assess the profile of the Lords.

Although existing historical treatments of Suez deal with many domestic and international perspectives, constitutional details appear mainly by default: for example, how the civil service machinery was harnessed under the imperatives of national security, despite widespread scepticism there. The few historical accounts that concentrate on the specifically parliamentary dimension of Suez do convey some of the spirit of the internecine argument within the Conservative parliamentary party, though they tend to underplay or overlook the nature of the debates in the Lords. Unlike in the Commons, there was only a remote chance

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326 For example, within John W. Young’s survey of the administrative aspects of Suez. Young, ‘Conclusion’, in Saul Kelly and Anthony Gorst (eds.), Whitehall and the Suez Crisis (2000).
327 See Leon Epstein, British Politics in the Suez Crisis (1964); Sue Onslow, Backbench Debate Within the Conservative Party and Its Influence on British Foreign Policy, 1948-1957 (Basingstoke, 1997); Hugh Berrington, Backbench Opinion in the House of Commons, 1945-55 (Oxford, 1973).
that those aligned with the Suez Group in the Upper House could inflict defeat on a Conservative government. Instead, a verbal attack might have an embarrassing effect, pointing up any shortcomings in official policy. The Middle East was not a region of British formal rule, but as Martin Wight pointed out, four years after Suez, it was ‘probably the hardest part … to let go; largely, no doubt, because of oil; but partly, too, perhaps because it was the latest field of imperial expansion and effort, and having escaped formal annexation it has escaped also the tranquillising family intercourse of the Commonwealth’.  

In an analysis of backbench opinion in the Commons, it is clear that ‘the upholders of the imperial tradition resistant to strategic retreat, specifically the Suez Group, drew their support from no special section of the party, from no distinctive group or class’. In the Lords, whatever ideological coherence lay behind the rearguard cause was drawn mainly from peers who were not active attenders, but who tended to speak in the chamber whenever they felt roused to do so.

In early-1954, the former High Commissioner to Egypt and Sudan, Lord Killearn (previously, Sir Miles Lampson) broadcast a BBC radio talk, which, in its published form, was entitled The Case For Standing Firm in Egypt. Described as ‘one of the last great Proconsuls’, Killearn retained the mentality of an earlier generation, in which British imperial dominance was somehow unquestionable. Considering the

329 Berrington, Backbench Opinion, p.175.
stalemate in negotiations, he rejected the demands of Egyptian nationalism – particularly the Egyptian government’s dismissal of the bilateral treaty of 1936 which laid down the framework for a British military presence, initially overseen by Killearn himself.

Besides Killearn were Hankey (elevated, 1939), who had started his naval career in Marine Artillery, in 1895, rising through the Naval Intelligence Department to the rank of Colonel; he was the first holder of the post of Cabinet Secretary, and a director of the Suez Canal Company, though he scrupulously insisted that he did not speak in Parliament on the company's behalf; Vansittart (elevated, 1941), the sometime Permanent Under-Secretary of the Foreign Office, who maintained a lively concern for the details of foreign policy; Rennell, son of an ennobled former Ambassador to Italy (ennobled in 1933), was a decorated Staff Officer in the First World War and Major-General in the Second. He had worked both in the Diplomatic Service and, later, as a banker; and, the youngest of these figures, the (3rd) Earl of Cromer, whose family antecedents were bound up with British hegemony in Egypt, and who would later become the Governor of the Bank of England.

None of these belonged to the traditional landed aristocracy; Cromer's original title dated back only to 1892, when his grandfather, a scion of the Baring banking and political dynasty, was ennobled. (He made his maiden speech on Suez; when addressing his fellow-peers on one such occasion, he was dressed in the full uniform of a Lieutenant-Colonel of the Grenadier Guards.) So, we can locate these peers within an administrative class which esteemed military prowess and the lingering assumptions behind British global power.

Vansittart placed a motion, in March 1956, dealing with Methods of
Diplomacy. Although this particular debate did not centre on Suez, the lament was sounded for the pre-1914 era of the powerful ambassador at a court or foreign ministry, as opposed to negotiations at international conference or direct intergovernmental diplomacy. Having played leading parts in policy-making over previous decades, the dissenting peers had no intention of relinquishing their self-perceived right to influence policy. Earlier, in 1953, these peers -- with the exception of Cromer, who had only recently inherited and not yet spoken in the Lords -- signed a letter to *The Times*. Perhaps guided by Hankey's interest in the waterway, the letter called for a robust line in negotiations with Egypt. It conjured fears of 'another Abadan' -- when the Iranian government in 1951 nationalised international oil assets and expelled Western companies from that city -- and 'a shattering loss of prestige'.

In December 1953, a major debate in the Lords -- on Britain and Egypt -- set out the arguments for advancing British responsibilities in the region at a time when progress towards an international agreement had stalled. Lord Rennell, who initiated the debate, maintained that it was imperative not to negotiate a new Anglo-Egyptian agreement with 'people who are under the stress of violent emotion' -- *i.e.*, Egyptian nationalists. In this vein, Rennell rejected what he called the alternative of a compromise solution, 'abandoning responsibilities and commitments we have inherited from the past, and which we cannot rightly hand over'.

Hankey focused on the needs of providing security for the Canal Zone; he

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333 Vansittart declared: 'Those of us who proudly joined the public service have gradually come to be considered as servants. But we are not your servants; we are your advisers'. *Ibid.*, col.438.
335 *HL Deb* 17 December 1953 Vol.185 cols.196-197.
invoked the cautionary, still toxic, word, ‘appeasement’ as a course to be avoided because it exposed British weaknesses. ‘If we cannot hold the lifeline of the Empire and Commonwealth until we can get a better settlement, what can we hold?’ The parallels with the 1930s -- and what Vansittart, best known for his dissenting, anti-German line in the late-1930s, branded as Egypt's current ‘totalitarian regime’-- were deployed in rhetoric. Salisbury, too, invoked the precedent of appeasement, having resigned ministerial office in the 1930s together with Eden. In the Lords' debate following Egypt's nationalisation of the canal, he drew analogies with Germany's remilitarisation of the Rhineland two decades earlier. This rhetorical strategy belonged to what the Manchester Guardian later attacked as ‘an exaggerated sense of the mistakes of appeasement’, buttressed by a belief in Britain's residual global power:

There are glimpses of frustration in some of the personal correspondence of those involved. The gentlemanly and dilettante air of debate and the organizational limitations of a makeshift cabal counted against their bid to set a more hawkish policy. Vansittart, writing in 1954 to Julian Amery, one of the leaders of the Suez Group in the Commons, was unsure about which tactics to employ in the Lords. He outlined the dangers of long, wearying proceedings, and how he himself felt obliged to curtail his speech in order to fit it into the day's allotted time. Vansittart added in semi-resigned parenthesis: ‘I don't think anything that we say will have any real effect anyway, but one must at least try’. An ‘omnibus’ foreign affairs debate might

336 Ibid., col.214. Hankey’s question echoed a similar one which he had posed in a private letter to Eden, referring to the canal as 'the jugular vein of world and Empire shipping communications'. Hankey to Eden, 11 February, 1953, FO 371/102763, quoted, Steve Morewood, 'Prelude to the Suez Crisis', in Simon C. Smith (ed.), Reassessing Suez, p.29.
337 HL Deb 17 December 1953 col. 239. Vansittart continued: 'I have never believed in concluding Treaties when we know in advance that they are going to be broken. These are not Treaties; they are traps'. Ibid., col. 240.
338 HL Deb 02 August 1956 Vol.199 cols.624-625.
not be the appropriate setting for hard-hitting points about Egypt. ‘I thought it would be very bad tactics to fire off all our ammunition…where we were bound to be more or less swamped by other speakers and material. We cannot go on raising the subject indefinitely without losing the sympathy of the House and the press’.340

In an earlier personal campaign fought in the Lords, Hankey had taken an unpopular position against war crimes trials in the late-1940s – in his own words, ‘without noticeably influencing policy’.341 Hankey’s interventions in the Upper House to express discontent, prompted Cabinet discussion, even becoming something like a cat-and-mouse game with ministers.342 However, Hankey confided in Julian Amery: ‘We shall not make as good a showing as your group have done. Some of our crowd have their tails between their legs’, following ministerial persuasion.343

The increase in Anglo-Egyptian tensions over the next two years did not necessarily have the effect of galvanising the Suez peers as a vocal pressure-group. The very nature of many debates in the Lords, wide-ranging and discursive, resulted in other aspects of policy bearing on the Middle East -- such as Israel, Cyprus and Jordan -- claiming attention. There was also an unproductive tendency for the few elements of diehard opinion in the Lords to vent racially stereotyped prejudices.344

343 Hankey to Amery, 24.7.1954. AMEJ 1/2/76.
344 Lord Jeffreys, a colonel in the Grenadier Guards and former Conservative MP, blamed the looming crisis on what he called successive British governments’ failure to project a strong image: ‘Orientals get the idea that under continuous pressure we shall always give way in the end.’ HL Deb 15 March 1956. Vol.196 col.543.
At the heart of government, Salisbury – despite his determination to outface the Suez rebels in the Lords -- became a leading figure in the inner circle formed by the Cabinet’s strategic Egypt Committee, and took a relatively hawkish stance. In the run-up to war, he voiced sometimes vehement opinions in favour of military action – even seeking Nasser's overthrow -- though not without some kind of reference to his own notion of international order: ‘we must bring N. [Nasser] down’. 345

In this respect, the positions of the Government and the Suez rebels had converged, so averting the possibility of an internal Conservative split. The constitutional status of Parliament also seemed to be a positive factor. At a time of incipient crisis, The Times concluded: ‘It would be just to accord that overworked appellation a "Council of State" to Parliament's grave and responsible debate’. 346 Yet, the idealized solidarity gave way to partisanship and strong personal convictions, as the uncertainty of a military campaign and arguments over its legitimacy, global politics and questions of national prestige all dominated.

After ministerial reluctance, during the build-up to the military conflict, to recall Parliament from its summer recess, eventually, in September, major set-piece debates were held at the same time in both Houses, over the course of two days. 347

In the Lords, both Salisbury and Kilmuir gave forceful speeches which allowed for

346 ‘Impressive Unity in the Commons’. The Times, 3.8.1956
the option of force, with Kilmuir, as Lord Chancellor, offering a legal justification. Salisbury's plea for firmness and unity against the Egyptian threat to international order was greeted with cheers in the chamber.\(^{348}\) Across the floor of the House, Lord Silkin challenged what the Labour leadership believed to be the government's ‘somewhat provocative’ proposals for action.\(^{349}\) What was becoming a chasm over the prospective use of force, between most government supporters and those on the Opposition benches could be clearly seen in the Lords' debate.\(^{350}\) Several peers backed the government's position, and, among those who held moral or legal reservations, there was widespread assurance that Britain would act within the terms of the United Nations Charter. Indeed, as the sometime Conservative Foreign Office minister (and son of Bonar Law), Lord Coleraine, put it, laying claim to the moral high ground: ‘The whole aim of Government policy has been to substitute an international system for a national system and to subordinate the idea of national sovereignty to the idea of the international law’. \(^{351}\)

The basic assertion of British interests over Suez was to win strong backing from Conservative Party activists in an emergency resolution at their annual conference, in Llandudno, where the leaders of the Suez Group of MPs received a warm and cheering welcome.\(^{352}\) So, those peers who supported the government’s policy in Parliament were fully aligned with Conservative grassroots opinion, sharing what R.A. Butler later described as ‘deep-seated emotions’ which ‘coalesced...with less generous sentiments; the residues of illiberal resentment at the loss of Empire,

\(^{349}\) *HL Deb* 12 September 1956 Vol.199 col.641.
\(^{350}\) According to an editorial in *The Spectator* at the end of the week when Parliament was recalled, what was at stake was a ‘choice between force and negotiation in the Suez crisis’. ‘Forcing A Passage’. *The Spectator*, 14.9.1956.
\(^{351}\) *HL Deb* 13 September 1956 Vol.199 col.824.
the rise of coloured nationalism, the transfer of world leadership to the United States’. 353

Yet the total response of the Lords was more diverse, with the gradual clarification of a range of opinion, from belligerent loyalism to sceptical independence and the strong need to hold the government to account. On the one hand, the original representative of the informal Suez Group in the Lords, Vansittart, could encourage ministers to pursue a hard line against Egypt, and was now finding that the prospective use of force was more in line with the Suez hardliners’ mentality than it had ever been. On the other hand, the international jurist, Lord McNair, delivered an elaborately reasoned warning about the imperatives of adhering to the rule of law in such conflicts. For McNair, a former President of the International Court of Justice, the threat of force was problematic:

It is true that a Government is entitled to use a necessary amount of armed force, and no more, for the protection of its nationals in a foreign country and their property and its property, when the local authorities are unable or unwilling to protect them against violence. But, in the present case, I am not aware that our Government have made it clear that the use of the armed force that has been assembled is limited to those objectives. 354

There was a familiar dissident voice, too, on the ecclesiastical benches. George Bell, the Bishop of Chichester, had been a long-term campaigner against what he regarded as excessive state force, having previously challenged the aerial bombing of German civilian targets during the Second World War and the later development of hydrogen weapons. Bell highlighted the risks of forfeiting British moral leadership in the world, and asserted the centrality of the United Nations and British interests: ‘in these great, new, undeveloped but rising territories in Asia and

353 Lord Butler, Art of the Possible, p.190.
Meanwhile, Geoffrey Fisher, the Archbishop of Canterbury -- far more politically cautious than Bell -- was fastidious in holding back from any sweeping moral judgement at this point. Andrew Chandler and David Hein emphasize that 'when it came to volatile, even dangerous, matters abroad he must have sensed how little experience he brought to such things'.  

Fisher pointed to the dangers of a disunited Parliament as it grappled with this international crisis. Despite his attempts at being even-handed, Fisher's concerns would intensify over following weeks. He was laying down a marker in terms of morality for political conduct in relation to Suez: without parliamentary support or a consensus between party leaders, going to war, he argued in the Lords, 'would be a catastrophic thing to do'. The Archbishop also used the correspondence columns of The Times in order to amplify his message.

On the next occasion that the Lords held a full-scale debate on the subject of Suez, Britain was actively engaged in hostilities. The nation -- or, rather, its politically engaged population -- had fractured over the rights and wrongs of the military campaign. In Parliament, the Labour leader, Hugh Gaitskell denounced the Anglo-French invasion as 'an act of disastrous folly'. The general mood of the Commons

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355 HL Deb 13 September 1956 Vol.199 col. 753.
356 Chandler and Hein, Archbishop Fisher, p.127. This is at variance with the view of Fisher held by Eden's biographer, D.R. Thorpe, who casts him as exhibiting 'increasing signs as the crisis unfolded of wanting to become a latter-day Cardinal Wolsey'. Thorpe confirms that Fisher received confidential information from a privileged source, the Prime Minister's Press Secretary, William Clark. D.R.Thorpe, Eden: The Life and Times of Anthony Eden (2004; orig., 2003), pp.524-525.
357 HL Deb 13 September 1956 Vol. 199 col.768.
359 HC Deb 31 October 1956. According to one newspaper report, there were scenes of 'violent anger', with the 'noise escaping' from the Commons chamber 'like that at a hotly contested football match'. 'Commons In Deep And Bitter Division'. Manchester Guardian, 1.11.1956.
at this stage has been portrayed by D.R. Thorpe in terms of the ‘return of the red-blooded, almost nineteenth-century fervour, the continual baying’.\textsuperscript{360} Meanwhile, conditions in the Upper House were far more placid and even-tempered – the Earl of Home, the Commonwealth Relations Secretary, commended the Labour peer, Lord Henderson, for his ‘studied moderation’\textsuperscript{361} The latter’s motion drew attention to the dangers of isolation and the need to honour the principles of the United Nations Charter.

Several Conservative loyalists, including the former minister, Earl De La Warr, gave steadfast support to the Government, which, in his mind, was combining with France to substitute ‘an adequate peace machinery’ in the region.\textsuperscript{362} This view was a reflection in the Upper House of what Martin Thomas and Richard Toye have characterised as ‘Eden’s use of liberal – or rather, conservative internationalist – language’, driven in part by ‘awareness that a more naked case based on national self-interest would have been politically impossible at the global level’.\textsuperscript{363} The former Liberal National leader, Lord Teviot, tried to put his case in a similar vein, speaking of the need ‘to work as hard as ever we can for straight dealing and conformity with the law and order of International Law’. However, he also spoke in wildly exaggerated language of ‘an appalling concentration camp in Egypt run by Nasser in the same way as Hitler ran such camps in Germany. That is the type of man we are up against’.\textsuperscript{364}

Such supportive peers were identifying themselves with a view of the United

\textsuperscript{360} D.R. Thorpe, Selwyn Lloyd (1989), p.156.
\textsuperscript{361} HL Deb 01 November 1956 Vol 199 col. 1250.
\textsuperscript{362} Ibid. col.1285.
\textsuperscript{364} HL Deb 01 November 1956. Vol.199 col.1313.
Kingdom as an upholder and guarantor of global order -- against those who accused the Eden Government of violating those standards. The loyalism was also manifested in the form of stout patriotism and feelings of trust in the nation's government, as put by the former colonial governor, Lord Milverton: ‘They must take the action, and then ask for support, which they almost invariably get’. 365 Throughout most of the crisis, the original Suez hard-line peers did not present a distinctive or concerted factional unity: Hankey, for example, arguing mainly on behalf of the independence of the Suez Canal Company. 366

However, the voices of doubt were weakening the Government’s justification for military action, even before US disapproval and the call for a ceasefire made it untenable. Most prominently, Archbishop Fisher, hardening his stand, pitted ‘Christian conscience’ against the logic of the military campaign in Egypt, seeing it as ‘a contravention of the spirit and the letter of the United Nations Charter’. 367 So, within the parliamentary chamber, the spiritual leader of the Church of England directly challenged the entire basis of the decision to engage in military conflict. The most memorable point of Fisher’s intervention was his persistent questioning of the Lord Chancellor, attempting to win an admission that the government had acted as an aggressor, not the defensive power. 368

Unease, in the form of questions and doubts about British intervention came from former Conservative MPs, Lord Salter, and Viscount Astor. Although neither attacked the government, their reaction was far from being automatically supportive

365 Ibid., col.1330.
367 Ibid., col., 1294. The Archbishop was cited approvingly by newspapers on November 2nd which were already strongly anti-Suez, in editorials in the Manchester Guardian, ‘Humiliation’, and the Daily Mirror, ‘Disastrous Folly’.
368 Ibid., cols. 1352-1354.
or rooted in British historical self-certainty. Astor (the brother of the editor of the anti-Suez *The Observer*) reserved criticism for all sides of the Suez dispute: Washington’s pursuit of narrow interests, Israel, the Arabs and, by implication, the government at home. He noted that the adventure had diverted attention from the recent Soviet crackdown in Hungary, and brought the two, otherwise hostile, superpowers into shared opposition to the British action. 369 In the ensuing voting division, Astor joined Opposition peers, though the motion was defeated by a majority of 52 (82 votes against 30 in favour).

A few days later, and whilst the emergency session of the United Nations was taking place, Parliament returned to the subject in the context of the debate on the Queen’s Speech. Underlying the proceedings was a strong sense of the need for national solidarity. Three peers who had previously held commanding positions in the armed services -- Lords Portal, Alanbrooke and Cunningham of Hyndhope -- signed a letter to *The Times*, rebuking the Suez sceptics: ‘is it too much to ask that public argument about the rights and wrongs of Government policy in the Middle East should be postponed so as to minimise the possibly disastrous effect of the division of the country on the morale of our men?’ 370 (They did not speak in Parliament at this juncture.) This soon became a redundant question, and the ceasefire would negate the concern about military morale. However, in the House of Lords, many peers rallied around the military campaign despite the prevailing geopolitical reality that resulted in its hurried end. Several speakers continued to show a belief in the government’s official view of the campaign as a policing operation. Lord Birdwood, (a former army officer and son of a field-marshal),

emphasised the main factor behind the Suez crisis as Egypt's 'blind' and 'wicked folly', so necessitating the military intervention. 371

Detached from such old-fashioned Tory patriotism, the stance taken by the sometime Foreign Secretary and Ambassador to Washington, Lord Halifax, appeared equivocal; not openly attacking the Eden Government, though also carefully not endorsing its actions, while placing a value on consultation with Britain’s US and Commonwealth allies. In his speech, he underlined a dual function of Parliament: both to review what had happened and to offer advice to government about its future conduct. 372 Halifax argued that the reputation of Britain was being damaged by the Suez episode. The earlier diplomatic order was summoned by his reference to the ideal of 'collective security', now under the auspices of the United Nations and its Charter which, like Salisbury, he had been a signatory to at its foundation.

A more direct onslaught on the Government's Suez policy came from perhaps a surprising quarter: the former Marshal of the RAF and Chief of the Air Staff, Lord Tedder. No longer in military service, and now released from constraints on speaking out whilst British forces were in action, Tedder gave an eloquent and impassioned reaction in the Lords. 373 One month after the Suez adventure, Tedder described it as a 'tragic mistake' not least for its bitterly divisive effect on the nation. 374 The Times reported the next day that few speeches in the Lords debate ‘made a sharper impact

372 *HL Deb* 08 November 1956 Vol.200 col.137. Halifax had, earlier, accepted Indian independence, when he argued, as a national interest, that 'in the long run influence is a very much finer and more durable and more eternal thing than power'. *HL Deb* 16 July 1947 Vol 150 col.837.
than the outspoken contribution’ of Tedder. ‘Opposition cheers broke the respectful silence in which he was heard when he said he sometimes wondered whether the real objective had been stated -- the removal of Colonel Nasser’. 375 Although overall support in the chamber for Suez was strong, and therefore opposed to Tedder’s position, it was his verdict which undoubtedly took on particular resonance: ‘a folly because it was the wrong action at the wrong time and in the wrong way’. 376

While many peers sought to maintain British global prestige somehow in the wake of Suez, the Cabinet was already hurriedly adapting policy. But, for the Leader of the Lords, Lord Salisbury, the enforced shifts and the need to maintain national self-respect made for unease, just as the position of Eden himself was becoming untenable. (Indeed, Salisbury’s longstanding personal and political bond with Eden cannot be underestimated.) 377 Addressing the Upper House in the wake of Suez, Salisbury stated defiantly: ‘Our policy was to stop a war and I still maintain that we stopped a war’. 378 Even in the aftermath of Suez, Salisbury’s personal prestige in the Upper House remained high, though it would fade subsequently. Following his resignation from the Macmillan Government in 1957, Salisbury tabled a motion in the Lords, critical of the official decision to allow British ships to use the Suez Canal again on Egypt’s terms. This became an emblematic issue, which was one of the last occasions when the underlying questions of Suez were aired in the

376 HL Deb 12 December 1956 col.1082. Not included in this survey of Suez sceptics is Earl Mountbatten, who, as First Sea Lord, inside Whitehall, did not speak in the Lords, but later wrote privately. His opposition to Eden’s strategy was therefore only expressed privately ‘“I do not believe ... I have ever been so embarrassed, distressed and put in such a painful position”’. Quoted by Eric Grove and Sally Rohan, The Limits of Opposition: Admiral Earl Mountbatten of Burma, First Sea Lord and Chief of Naval Staff, in Gorst and Kelly (eds.), Whitehall and the Suez Crisis, p.98.
Lords. Salisbury did not force a voting-division, a test of opinion for peers, which would have brought embarrassment either for the Government or, by exposing a disloyal stance, for him personally.

The question of national honour was ingrained in the personal value-system and the broader political culture that encompassed it for many peers. In the voting-division on the successful motion in support of the Government’s conduct over Suez, on December 12th, 1956, 120 peers showed their backing. 22 (18%) of these fit the designation in this thesis of ‘military peers’ – i.e., those who had specialist military or naval training and/or carried out regular service in the forces beyond wartime. A military ethos, valour and duty, underpinned sentiments of patriotism and imperial responsibility, as well as loyalist political allegiance. Eden’s own retrospective reflection would also have been true in the hearts and minds of many peers of this generation: ‘My world began in war. It has been spent in war, its preparation and its aftermath’. 380

As A.J. Stockwell has argued, Suez did not automatically curtail dreams of grandeur, or dewy-eyed nostalgia. Many Conservatives -- some of whom were vocal in the Lords – lamented what they saw as ‘the betrayal of British troops serving overseas in yet another forgotten army. Suez revivified their commitment to a traditional moral code. In Cabinet, Lord Salisbury personified the more patrician of these values’. 381 Although the Conservative benches in the Commons contained similar voices, it was in the Lords where prominent figures from this still prestigious Establishment of public service articulated such sentiments.

380 Eden, Full Circle, p.3.
Yet, in a different key altogether, it was also in the Lords where a reasoned critique of government policy over Suez took shape. At different stages, McNair, as a jurist, Fisher, as a cleric, Halifax, as a former diplomatist, and Tedder, as an air chief and military strategist, delivered effective speeches which challenged the Eden Government in its conduct over Suez. These were not angry protestations nor steeped in tribal partisanship. It is difficult to measure how far the undoubted force of their actual message penetrated and influenced the nation at large. But the Suez episode provides a leading example of how the Lords managed to embody both a traditionalist mentality of British exceptionalism, and the capacity for moral and strategic discrimination in a changing world.

As a chamber, it was non-representative in the strictly constitutional meaning: not democratically elected and accountable. But it reflected attitudes and dispositions towards Britain’s place in the post-1945 world which carried considerable weight. These ranged on a scale from diehard imperial-minded zeal, where the Suez Canal would be the redoubt of British power and prestige, to arguments on behalf of diplomacy and geopolitical realism. Unreconstructed patriotism and militarism faced claims on behalf of a national conscience.

Because of strenuous Labour opposition in the Commons over this issue, and the need for the Government to ensure Conservative support as fully as possible, both Houses of Parliament proved essential as chambers of political opinion – though in varying ways. While the Commons functioned as an adversarial cockpit, and a scene of sometimes ferocious lobbying within the Conservative Party itself, the Lords had a more leisurely aspect, though fortified with righteous conviction: the pro-Suez loyalists carrying the torch of national honour, against the ‘trouble makers’, the
critics – not necessarily habitual rebels or radicals -- who were ready to point out what they saw as the failure of an outmoded policy.

Whatever the precise tilt in Eden’s Suez strategy, both before 1956 and at the time of the invasion, the Upper House demonstrated clear instincts in response – and in a robustly senatorial manner, regardless of electoral politics. The pro-Suez peers had worked, to a degree, as a cohesive group, motivated by subjective notions of national honour and public duty. On the other hand, those in the more sceptical range of ‘lordly’ opinion were rhetorically effective in stating a case rooted in ideas of morality and international order.

The discriminating approach to laying out an oppositional argument would be symptomatic of the Lords at its best, exercising a thoughtfulness and independence, detached from the vagaries of public opinion and everyday political concerns. Yet Suez also shows up the ambiguity of the Lords in action, as a ‘ventilating-chamber’: in some respects, a bulwark behind Eden's late-imperial adventure, but also a forum (corresponding to Salisbury’s view of an unofficial Council of State), whether heeded or not by the policy-makers of the day.
The Lords’ role as an assembly of sober deliberation in the sphere of moral questions of policy, and close to Bagehot’s vision of the ‘political pulpit’, was evident on various occasions. In the Commons, a government-controlled business timetable and an established style of adversarial party politics severely limited debates on issues of conscience. On the other hand, the Upper House, by its nature and practice, had the scope to address sensitive social or moral questions, often independently of the Commons. That policy subject-matter is alluded to by Andrew Holden, at the start of his overview of morality and politics in modern Britain. ‘The importance of the Lords as a forum for moral debates’, he writes, ‘was raised precisely because it was more willing, from the late-1950s onwards, to contemplate reform which the executive-dominated Commons shied away from’. 383

It is logical, then, as Holden does, to see an ‘important watershed’ in the arrival of life peers in 1958. However, this kind of parliamentary forum had already been developing, regardless. In the inter-war period, infanticide and euthanasia had been raised in debate – the 1929 Infant Life (Preservation) Act was one legislative product, after its initiation in the Lords; during the following decade, the Voluntary Euthanasia Legalisation Bill was introduced by the Labour peer, Lord Ponsonby of

382 ‘Their Lordships did indeed debate this matter (capital punishment) with the deepest sense of private conscience and public responsibility’. -- ‘A Great Debate’. Sunday Times, 15.7.1956.
Shulbrede, and after an intensive debate it was rejected. Another example of a campaign against the status quo – this time successfully – was in 1955, when, following sustained pressure against a proposed ban on the import and manufacture of heroin, culminating in a high-profile debate in the Upper House, the Eden Government agreed to its deferral.

In examining the role and rationale of the Lords through these issues, we can see how ideological contradictions and arguments about the wider pattern of change concerned the Upper House as an institution. Opinion there was more vividly defined along these lines than when the main governmental agenda – its economic policy, for example – came up for discussion. Questions of Conservative party identity were also highlighted, but not resolved, through the ‘ventilating’ of individual points of view in the Lords, in a different mode from how parliamentarians might have regarded mainstream policy. As John Turner has argued about the latter, ‘nobody could readily look upon the problems of domestic policy in the first half of the 1950s and say what Conservatism really was’. So, the tendencies of thinking about social change in the Lords were neither uniform nor strictly partisan.

Conditions of post-war austerity and affluence, the material rebuilding (as opposed to the conservation) of national life, did not consume the Lords’ attention to the same extent as they featured in the Commons, at the heart of electoral politics. Regular, sweeping debates, almost ritualistic in nature, were held in the Upper House on the Economy and Foreign Affairs, but these were generally events when

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384 HL Deb 01 December 1936 Vol 103 cols. 465-505.
the chamber was less animated than during the discussion of issues of conscience. Although he did not necessarily make such a distinction between policy topics, Herbert Morrison acknowledged how the major debates of the Upper House ‘can, and at times do, stir public opinion, or they may ventilate real public grievances or have repercussions in the House of Commons, so they make the Government conscious of some failure or shortcoming. No Government, therefore, whatever its political complexion, studiously and systematically ignores the opinion of the House of Lords’. 386

How to understand the ‘moral’ effects of headline policies is problematic for historians. Mark Jarvis, who takes a less materialistic view of the significance of ‘modernising’ trends in this period, poses the dilemma for the general Conservative response to social and cultural change: ‘The Conservative Party had to govern in a society of increasingly pluralist beliefs and values, which entailed creating a framework of social regulation that allowed greater freedom in carefully prescribed areas of personal and corporate conduct’. 387

Using this prism, Jarvis overstates the modernizing drift of Conservative administrations, though he is also clear that there was an underlying unease at the top of the party, despite how, at the time of Macmillan’s arrival as Prime Minister, in 1957, it appeared necessary to provide strong leadership in order to stabilise a nation undergoing profound social, as well as political, change’. 388 In fact, much of

388 Ibid., p.19.
the discussion of ‘moral’ issues originated within both Houses of Parliament, rather than at the behest of ministers. And, because of the way that internal business was structured, it was peers who enjoyed more leeway in initiating debates along these lines than MPs did.

The Conservative governments of the 1950s left policy ‘silences’ in this moral sphere, or were slow to formulate an official response – for example, in terms of a cogent penal policy and addressing homosexuality law. If this dilatory approach indicated something of an ideological vacuum, it also encouraged peers to sound their opinions within the Lords. Undoubtedly, the chamber contained men who voiced deep scepticism about what they regarded as negative change across national life. Yet any view of the Lords as some kind of rearguard, ‘blimpish’ faction in the British Constitution deserves a more nuanced treatment – also assessing it with reference to the personal backgrounds of peers: primarily, but not exclusively, those in the foreground of discussion.

So, the analysis of the Lords in action during this period calls for a further dimension, the contribution of the House of Lords as a ‘moral parliament’ -- a term apposite here, but without having particular currency or usage in the period itself. There was more than a simple reflex when the Lords confronted modern trends, despite the distinctive tones in the reactions of peers -- of regret, bewilderment, consternation, even anger, as well as a bid for rationality, which reflected the approach of a ‘professionalizing’ membership.

This chapter will look at the most prominent and emotionally fraught policy
area, that of crime and punishment, from the future of the death penalty to the
condition of prisons. Then, it is important to examine another controversial field as it
involved the Lords: the question of whether and how to reform the criminal law
relating to homosexuality, at a time when there was a pronounced official reluctance
to take it up -- and, indeed, the Commons (unlike the Lords) did not have the
opportunity to debate it. Attitudes among peers were mostly grounded in the practical
desire for fair and workable laws at a time of social change. Despite the instinctive
opposition to such change, there was also a spirit of enquiry, open discussion and
regard for administrative order.

The issue of whether or not to abolish the death penalty became a prominent
test of opinion both within the House of Lords and in relation to the Commons –
though, in practice, it was unlikely to provoke a full-scale constitutional clash, not
least because successive governments did not regard it as a question comparable to
a major measure in their own legislative programme. In an earlier push to suspend
the use of the punishment, in the late-1940s – a proposed five-year suspension, was
approved by the Commons but overturned by collective opinion in the Lords, with
181 peers voting against, 28 in favour. 389 In reality, the Upper House was defying
the will of the Commons, but not that of the Executive.

The death penalty remained a deeply polarising concern. A series of high-
389 For a detailed assessment of the failed reform of 1948, see Victor Bailey, ‘The Shadow of the
18:2 (Summer, 2000), pp.305-349. Peter Richards, in his study of how Parliament has dealt with
issues of conscience – judged that the 1948 Lords’ vote was ‘poor comfort for Labour ministers
traditionally opposed to the aristocratic power to interfere with legislation that passed the Commons.
There was no possibility of a peers v. people battle when the Lords were protecting ministers against
their own party supporters and ... were reflecting results of public opinion surveys more accurately
profile murder trials, all resulting in executions – Bentley, Evans and Christie, and Ruth Ellis -- attracted both lurid headlines and controversy about possible injustice or disproportionate punishment. So, however rarefied the atmosphere in the House of Lords, it would have been impossible for peers to be unaware of the surrounding climate as this parliamentary debate was taking place, in July, 1956. Opinion surveys showed a clear popular majority in support of retention.

So, the advocates of abolition in both Houses of Parliament needed to summon the strongest powers of moral argument on their behalf. The humanitarian call behind this oratory was also directed towards a cause associated with a forward-thinking ideal for the nation, a bid to leave behind older punitive practices. As Claire Langhamer emphasizes: ‘The act of abolition seemed to legitimate the authority of the modernizing political and professional classes over a public driven by feeling rather than rationality’. 390 This distinction between emotion and rationality remained fundamental to the continuing debate, allowing Langhamer to appraise the content and tone of the particular argumentative clash: ‘Both sides levelled the specific charge of emotionalism to denote an inferior, implicitly feminine, and inexpert form of knowing. In this way, a critique of popular feeling, and the methods through which it was accessed, lay at the heart of the post-war hanging debate.’ 391

Yet, in the conduct of such a highly charged debate, neither emotion nor rationality held a clear monopoly; they were each strong components on both sides

391 Ibid., p. 419.
of the battle of right-mindedness, and might be mixed together, as can be seen in the Lords, where the issue was intensively discussed. Lord Russell of Liverpool (who would later write a book on the Eichmann trial, which culminated in judicial execution) maintained that rationality, rather than sentiment, bolstered the abolitionist case. 392 Meanwhile, another abolitionist, the veteran Labour Peer, Lord Pethick-Lawrence, acknowledged that ‘all of us, whichever side we may be on, regard this question of murder and capital punishment as not merely a rational question, but as a matter charged with deep emotion’. 393 In the parliamentary setting, however, the distinction between emotion and rationality was by no means clear. Both were deployed, but, on the surface at least, the latter tended to be more persuasive than the former.

In contrast to the Commons, which now supported abolition, the Lords continued as an anti-abolitionist bulwark: the Death Penalty (Abolition) Bill, the measure introduced by the backbench Labour MP, Sydney Silverman, in 1956, was rejected after an intensive two-day debate in the Lords (featuring about sixty speakers on either side) by 238 votes to 95, a majority of 143.

Such a decisive verdict from the Upper House seemingly gives a singular counter-example to the pattern of the relationship between Commons and Lords, as highlighted in this thesis – how, mostly, risk-averse elected politicians, more bound by party loyalty and public opinion, were offset by independent-minded, senatorial peers, even as the future configuration of a reformed House of Lords remained

392 HL Deb 09 July 1956 Vol. 198 667-668.
393 Ibid., col.592.
undecided. In the aftermath of the Lords’ rejection of abolition, an editorial in the *Daily Mail* pointed to ‘the paradox that while the Commons resisted the will of the people, the Lords proved to be its guardians’.  

That paradox is a striking one. Indeed, some anti-abolitionist peers did cite the factor of public opinion in defence of their stance. But the surrounding conditions were truly exceptional. Above all, this was a Lords debate which attracted more press coverage than any other in the period, and stimulated the largest voting turnout and number of speakers.

On one level, the pitting of the Lords’ will against that of the Commons might have been seen as constitutionally hazardous, the basis for a showdown, even. But the legislative struggle was over a widely accepted issue of conscience – forty Conservative MPs had exercised their consciences by backing the Silverman Bill – and became a challenge for government, trying to monitor and marshal Commons’ opinion primarily, but also having to be alert to the specific viewpoint within the Lords.

In fact, the *Daily Mail* itself dismissed the grounds for a new form of ‘Peers versus People’ – or Peers on the populist wing versus a somehow remiss Commons – by conceding: ‘Public opinion is not so adamant for hanging as it was a few years ago’.  

On the other hand, an editorial in *The Times* contended that the Lords had no obligation to defer to the Commons on this particular Bill, citing ‘the moral authority still inherent in the Second Chamber’ and the duty of the institution ‘within...

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imposed limits to speak with its own voice, rather than to echo another’. The capital punishment debate created both a constitutional and a political dilemma for the Lords: allowing for the House either to resist the will of the Commons and take a retentionist position, or to pursue a stance fully independent of apparent public opinion, and respect reformist instincts on the merits of moral argument.

It is also important to note that the Lords had not invariably been at odds with the Commons over the issue of limiting capital punishment. In 1930, the Upper House chose not to block the abolition of the death penalty for military offences, after the Commons had (twice) voted in favour. According to Christie Davies, ‘it was clear’ to peers ‘that their continued opposition to this measure would receive no popular support and would be seen as undemocratic’. The status quo of the penal regime, designed mostly in the previous century, was virtually underwritten by the Lords. Davies writes that many of the ‘key Conservative defenders of capital punishment were men whose lives had been spent exercising a disciplined and regulated use of force on behalf of the Crown.’ But, despite the logical appeal of this judgement, its underlying sense of social and ideological cohesion, there was also a much deeper moral examination around this issue, beyond the formal demands of law and order, which entailed impassioned.

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396 According to this logic, any emphasis on a popular mandate over the issue of capital punishment was simply irrelevant. So, the Commons, ‘that does not feel bound on this issue to defer to the electorate cannot logically demand deference from the House of Lords. Both Houses for this purpose stand as bodies of individuals.’ ‘Conscience or Tactics?’. The Times, 9.7.56.
398 Ibid.
arguments over the rights or wrongs at stake. 399

Successive speakers in the debate, with unfailing courtesy and occasional
good humour, invoked factors such as anti-abolitionist public opinion, the deterrent
value or otherwise of execution for murder, and the role of retribution in enforcing the
death penalty. The Labour peer, Lord Lucas of Chilworth, for example, pledged to
oppose the Bill because he believed that public opinion was opposed. 400

But the concept of popular representation in the Lords was a highly
problematic one – not least because the Commons enjoyed an exclusive democratic
mandate, whereas the Upper House occupied a more elevated, non-representative
realm. This was a basic constitutional norm. Indeed, P.A. Bromhead underlined it,
two years later, when he discussed the capital punishment issue in his overall
account of the Lords:

The argument that peers should be much influenced, in formulating their decisions,
by their personal or second-hand impressions about the trend of public opinion on
a particular question, is an interesting one, and one which should not be followed
up too far. Some peers may have good ground for thinking themselves peculiarly
well able to judge the public interest, but their position in British society is not such
as to entitle them to set themselves up against a majority of the House of Commons
as interpreters of public opinion. 401

Yet there were fluid interpretations of what the Lords might be doing, under a
constitutional spotlight. As Leader of the House, Lord Salisbury found it expedient to
develop his standing constitutional doctrine – on the basis that there had been no

399 A Royal Commission, chaired by the distinguished civil servant, Sir Ernest Gowers, had been set
up following the previous parliamentary impasse over abolition, during the Attlee Government. (Its
terms of reference did not include a possible complete abolition of the death penalty.) Gowers himself
found that the evidence was persuasive enough to change his own thinking, against retention. He
later published an influential book, Sir Ernest Gowers, A Life For A Life (1956), subtitled ‘The Problem
of Capital Punishment’.
400 HL Deb 10 July 1956 Vol.198 col.711.
401 Bromhead, House of Lords, p.220.
electoral mandate for abolishing the death penalty, despite the Commons’ recent decision to suspend it:

Where issues had not been before the electorate we had to regard it as our function not to oppose the will of the people, the electorate, or even to interpret the will of the people, but very definitely, where we could, to give a breathing space to enable public opinion to crystallise on issues on which they had not been consulted and on which their views were not known. This seems to me exactly one of those cases. 402

There was a degree of capriciousness about such an attempt to align the Lords somehow with the popular will in a representative democracy. Above all, the free votes in both Houses – though with contrasting outcomes – gave primacy to the individual conscience of parliamentarians.

Despite lacking a democratic mandate, the Lords embodied its own notion of representativeness in the particular individual peers who might sit there – an ‘irrational’ feature of the Constitution – and, in policy areas like this one, protecting, even celebrating, conscience. As an everyday functioning Chamber, there would be an implicit acceptance of the principle of magisterial deliberation. After all, Sidney Low had projected a superior, more high-minded type of Upper House, a forum for ‘the philosopher in public affairs’, its members ‘might lift politics from the rut of the commonplace, and bestow some attention on those more comprehensive principles, and those remoter consequences, for which a bustling popular assembly, and a busy partisan executive, have no time or thought’. 403

Viscount Templewood (formerly Sir Samuel Hoare, the sometime

402 HL Deb 10 July 1956, cols.823-824.
403 Low, Governance of England, p. 250.
Conservative Home Secretary and long-term abolitionist) – who opened the debate – condemned execution as ‘a horrible and repulsive act’ that can be justified only if it is essential to the ‘security of the State’. 404 He argued that the Upper Chamber was a suitable forum for deliberating on such a policy – ‘in an atmosphere less disturbed and emotional’ than the Commons, and ‘in which the evidence can be carefully weighed and a decision reached unaffected by the fear of an Election or popular resentment’. 405

‘There were further dimensions, which were more likely to be taken up in the Lords than in the Commons. The Lord Chancellor, Lord Kilmuir, a keen retentionist, pointed out how abolition in domestic jurisdiction might have effects on law and order in British colonies. 406 Two highly experienced colonial figures also based their advocacy of the death penalty on the conditions of law and order in the Empire. Lord Malvern (Godfrey Huggins), the former Prime Minister of Rhodesia and Nyasaland, and Lord Milverton, former Governor of Jamaica and Nigeria. Milverton feared that removing the death penalty would lead to ‘personal and family vendettas’. 407

Lord Webb-Johnson, a distinguished surgeon, was in favour (selectively) of the death penalty, but opposed to the method of killing as ‘disgusting, crude, primitive, clumsy and inefficient’. 408 (As a young doctor, he had conducted medical research into execution.) In a colourful contribution, Earl Ferrers spoke of his forbear, the 4th Earl, who was the last person to be tried and convicted for murder by

404 HL Deb 09 July 1956 col.567. Templewood’s credentials as a penal reformer were rooted in his Quaker family history: Elizabeth Fry was a great-great-aunt.
405 Ibid., col. 572.
406 Ibid., col.585.
407 Ibid., cols.646-647.
408 Ibid., col.623.
his fellow peers, and executed in 1760, reportedly with a rope made of silk, befitting his rank. Despite his family history, the current Earl Ferrers was against abolition. 409 And, in a digressive speech, the Lord Chief Justice, Lord Goddard, mainly dwelt on the implications for the criminal justice system and policing of society, warning of dangers to police safety.410

The abolitionist case was advanced in speeches by two former Conservative MPs, Lord Astor – 'I know that we may get arguments based on the emotions of revenge, of righteous indignation and of fear. But fear is a bad counsellor' – and Lord Brabazon of Tara, arguing against the deterrent effect of the death penalty; Lord Raglan, meanwhile, saw the ultimate criminal sanction as a ‘barbarous relic of paganism’. 411

From the ecclesiastical benches, almost solidly abolitionist, the Bishop of Exeter, Robert Mortimer, was representative in having switched from support for the death penalty to abolition; he decried the morbidly sensationalist Press coverage of murder trials.412 In 1948, the bishops had, near-unanimously, backed the status quo; now, ten of them registered their opposition to it. The Archbishop of Canterbury, Geoffrey Fisher, reinforced this message about the dangers of ‘emotionalism and an indulgence ... in a vengeful passion’. 413 But Fisher – portrayed by his biographer as ‘a hard-nosed, commonsense realist whose instincts were fundamentally conservative’ – refused to align himself fully on either side of the argument. Behind
the scenes, he suggested to ministers that the Government should introduce its own legislation, altering the law on murder. 414 This was later enacted, as a compromise measure, the 1957 Homicide Act. Although he remained a retentionist at heart, he joined most of his colleagues in support of the Bill. 415

In the mid-1950s, there was a common belief that the Lords' wholesale rejection of the abolitionist argument had been facilitated by the votes of ‘backwoodsmen’, those legendary conservative-minded nobles from the shires, not regular figures at Westminster. The Spectator’s scathing view was that the majority consisted mainly of ‘hitherto unknown rustics, who thought, perhaps, that abolition was in some way connected to blood sports’.416 This kind of caricature, steeped in condescension, was amplified in the New Statesman’s editorial, which saw the hereditary peers in class warfare terms as ‘united in their determination to use their medieval powers to maintain a medieval institution’ – resulting in the need to remove the legislative powers of the Lords altogether. 417

An analysis of how peers voted in the division at the end of the main death penalty debate – and who they were – allows a more detailed picture of these parliamentarians and their 'personality' within the chamber. If we exclude the voting

414 Fisher’s suggestion (together with one by Samuel) was referred to in a Cabinet discussion. Cabinet Secretary’s Notebook, 11.7.1956. TNA CAB/195/15/12. It was significant that Fisher had drafted an anti-abolitionist speech, but was persuaded by his chaplain to re-write it, essentially repositioning himself. Christie Davies, The Strange Death of Moral Britain (New Brunswick, 2006; orig., 2004), p.114.
417 ‘Government From the Backwoods’, New Statesman, 14.7.56.
bishops (who held an *ex officio* place in the chamber, though their participation in ‘moral’ deliberations was vital), the total number of voting peers was 322. Based on the classification used in this thesis for ‘active’ membership of the Lords, on the anti-abolitionist side, the Frequent attenders numbered 20 (9% of this ‘Noe’ cohort) and Regular attenders numbered 52 (22%). Occasional attenders: 76 (32%) and Infrequent attenders: 88 (37%). So, a preponderance of anti-abolitionists cannot be equated with the more active section of the Lords. A slightly larger proportion of abolitionist peers (28%; 24 in number) than anti-abolitionist (21.5%; 51 in number) were former MPs.

Other discernible trends in the voting – as already seen -- show that, proportionally, more abolitionists than retentionists held peerages created in the twentieth century. These voting figures suggest that social traditionalism and dynastic aristocracy were more aligned against this centre-piece item of penal reform than in its favour. Among those voting against abolition were the Dukes of Wellington and Sutherland, Earl Spencer and Viscount Scarsdale. But it is not so easy to dismiss the peers who sought to retain the death penalty as a jumble of blimpish scions of a late-feudal elite. In this free vote, the opponents of abolition included various Labour peers, as well as the former Cabinet Secretary, Lord Hankey, the historian, Lord Elton, and the industrialist (with a substantial rural seat), Lord Cowdray.

There was a notable cluster of opinion among those who can be classified as having a professional or regular military experience (not exclusively service in the
two world wars, but including T.A. and honorary regimental positions). On the retentionist, anti-reform side, this background accounted for 50.5% (120 out of 237, excluding the single bishop). On the abolitionist side, these ‘military peers’ represented 25.9% (22) of the total, just over one-in-four. Illustrating the lack of strict uniformity along these lines: the former Air Force Chief, Lord Dowding, was a convinced abolitionist. So, proportionally, capital punishment was favoured twice as much by these ‘military peers’ than its abolition – a cultural variation which, with the later diminution in numbers of such peers would become a significant factor in the loss of support by the Lords for retaining the death penalty.

Significantly, this was the biggest voting turn-out in the entire period. Despite the overwhelming numerical imbalance between the two sides, what was striking, in terms of slowly shifting parliamentary opinion, was that three times as many peers supported abolition in 1956, compared with the total eight years earlier. A number of the abolitionists were senior judges – e.g., Lords Evershed and Somervell -- indicating that judicial opinion was not uniformly in favour of the death penalty. Despite the scale of the defeat of the Abolition Bill in the Lords, *The Spectator* commented that the ‘quality’ of the anti-capital punishment vote was of higher standard than that of the ‘retentionist army’. 418 The ‘retentionists’ – almost one-quarter of the total membership of the Lords – were not necessarily a uniform group, though there were certain common characteristics.419

418 ‘Rearguard Action’, *The Spectator*.
419 Of the 237 ‘retentionists’ (excluding a lone bishop) in the division lobby, 45.7% (108) had been schooled at Eton. Most of the remainder were products of other major English public schools (Winchester and Harrow, most prominently). In terms of club membership, 21.5% were members of the Carlton Club.
The Labour peer, Lord Silkin said, after stressing the Lords’ concern with ‘moral issues’, that the 1956 vote would be regarded as a momentous one in the history of penal reform.\textsuperscript{420} Indeed, the reformers’ defeat would eventually be reversed in the following decade, by a majority of 100, bringing an end to capital punishment (suspending it in the initial stage).\textsuperscript{421}

Immediately following the Lords’ rejection of reform, Lord Salisbury suggested the idea of bringing forward modifying legislation, initially in the Lords, as a means of testing opinion there. He wanted the Government to put capital punishment on a basis ‘which w[ou]l[d. command wider support’, with an opportunity ‘to re-capture initiative’.\textsuperscript{422} Progress did not follow exactly along those lines, however. The Homicide Bill, limiting the scope for capital punishment and specifying degrees of murder, was included as a major measure in the Queen’s Speech, in November, then introduced in the Commons before the Lords.

This government-sponsored Bill was designed, for tactical reasons above all, to sustain the principle of a deterrent death penalty, while appearing to mollify and reduce some of the soft’ abolitionist objections. It had the effect of offsetting the Commons’ previous majority for outright abolition, and so left the two Houses of Parliament virtually aligned on the issue. In turn, it provoked Sydney Silverman to accuse the Government not only of ‘introducing an unsatisfactory compromise’, but of doing so in order ‘to prevent abolitionists in the Commons forcing a constitutional

\textsuperscript{420} HL Deb 10 July 1956 col.838.
\textsuperscript{421} ‘Abolition of Death Penalty In Sight’. \textit{The Times}, 16.11.1964. The political correspondent of \textit{The Times} commented: ‘There is a kind of issue, and capital punishment is one, that peers will argue they are well fitted to pronounce upon because they are open and not purely political questions’.
\textsuperscript{422} Cabinet Secretary’s Notebook, 11.7.1956. TNA CAB 195/15.
showdown with the Lords’. 423 The Homicide Bill’s spirit of compromise was effective enough to see it through (with a Commons majority of 86 on Third Reading), but set to unravel beyond the short-term, when Parliament in the following decade favoured abolition outright.

There had been no doubt about the chamber’s overall anti-abolitionist bias. P.A. Bromhead, singled out the death penalty issue as the one where the Lords had ‘made its most striking and effective (or destructive) contribution to the actual course of events’.424 But what was fundamentally important in the debates on the death penalty was the form of parliamentary discourse, the use of the deliberative forum of the Lords for airing opinions and giving them a serious, sometimes high-minded, tone. There had been a great deal of rhetorical flourish, demonstrating the outward form of rationality – though rawer and more instinctive reactions were never far from the surface.

On moral and social issues in the 1950s, some of the controversial edge of issues of crime and punishment was being adjusted to ‘civilized’ discussion in the Lords: a transmuting of ‘emotionalism’ into ‘rational’ assertion of views. Conservative administrations were reluctant to initiate penal reform across the board. But, unlike the death penalty, the matter of corporal punishment was forced onto the government’s agenda at an early stage. The House of Lords became a main forum on behalf of tougher penal policies and lobbying against what was an existing reform, the ending of ‘judicial flogging’ in 1948. One peer referred to the chamber

423 Sydney Silverman, ‘Murder and the Constitution’. New Statesman and Nation, 17.11.56.
424 Bromhead, House of Lords, p.216.
during its considerations of that subject as ‘the arena of righteous indignation and confusing statistics’. 425

Yet it was also in the Upper House that we can follow, throughout the 1950s, a lessening of this zeal for a punitive approach. Indeed, a generally pragmatic view came to prevail, for example, in relation to the need to improve prison conditions. There were influential strands of progressive sentiment within the Lords, countering harder-line views. Being unelected and therefore less subject to turbulent public opinion if the atmosphere became fraught, peers held an advantage over MPs, if they took a non-popular stance. In both government and opposition ranks, a consensual tendency dominated, which left the earlier Criminal Justice Act as the long-term basis for a new penal regime, however open to challenge.

Initially, the most strident calls for a hard line against criminality came from the Lord Chief Justice, Lord Goddard. In 1952, he gave a public speech challenging what he saw as the authorities’ lack of penal sanctions to combat ‘gangsterism’. The remedy, he said, was to bring back corporal punishment. 426 The popular press, too, found a vivid and emotionally stirring topic. 427 As Goddard’s biographer has written: ‘Flogging was always a subject beyond rational argument, with both sides dedicated in passion to their diametrically opposed points of view: it was a gut reaction in each’. 428

Goddard was prompting the new Conservative Government to clarify its own

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425 *HL Deb* 22 October 1952 Vol 178 col.876.
426 ‘“Extend Corporal Punishment”’. *The Times*, 4.7.1952.
position over penal policy. The official crime statistics were open to differing interpretations, though even the traditionalist Home Secretary, Sir David Maxwell Fyfe recognized that it would be difficult to reverse Parliament’s decision to drop corporal punishment from the courts’ sentencing options. 429

True to the deliberative role of the Lords, (the 5th) Earl Howe, who had recently pressed for the reintroduction of corporal punishment, tabled a motion in the Lords which questioned whether the existing penalties for crimes of violence ‘towards women and other defenceless person were adequate to protect the public. 430 In the debate -- the second in the Upper House since abolition -- Howe (a sometime Conservative MP and Commodore in the Naval Reserve) addressed the Lords as ‘just an ordinary member of the public’, alarmed at the crime wave’. 431

The backgrounds of a number of peers, in the fields of the law, prison visiting or advocacy of penal reform, proved influential, lending a force to their arguments which many MPs could not match. This ‘professional’ or vocational grounding tended to dispose peers towards a more progressive, less hard-line stance. The bid to restore corporal punishment was countered by Viscount Templewood, as already seen, a convinced opponent of the death penalty. 432 (In his own view, he was a ‘liberal amongst conservatives and a conservative amongst liberals’. 433 Templewood had long insisted that his attitude stemmed not from being

429 Cabinet Secretary’s Notebook, 3.7.1952. TNA CAB/195/10/78.
430 HL Deb 10 June 1952 Vol 177 cols. 7-9.
431 HL Deb 22 October 1952 Vol 178 col.840.
432 As Home Secretary, in 1938, Templewood had attempted comprehensive reform, which was suspended because of the advent of war. He was Chairman of the Howard League for Penal Reform and had also presided over the Magistrates’ Association, having himself been a JP.
433 Hoare (Viscount Templewood), Ambassador on Special Mission, p.10.
a sentimentalist or theorist, but from looking at the available evidence and ensuring an effective deterrent. He argued that the penal reforms had been designed to offer better protection to the community, and were not lenient on criminals. Instead, the aim was to balance two objectives – ‘between the regime of extreme punishment with little hope of improvement, and the régime of some privileges that a man loses if he behaves badly’.  

The reformative value of punishment was supported by another magistrate peer, Lord Macdonald of Gwaenysgor, a former Labour MP. This debate brought speeches from peers with similarly relevant personal experience: Lord Chorley, a visiting prison magistrate and chairman of the Magistrates’ Association (succeeding Templewood), Lord Merthyr – ‘part of the case for corporal punishment rests upon the old doctrine of revenge, the old doctrine of “an eye for an eye and a tooth for a tooth” ..It reminds me of vendettas and uncivilised communities’. – and the Marquess of Willingdon, whose presidency of the Feathers (Youth) Clubs Association gave him an interest in how to prevent juvenile delinquency.

On the opposite side of the argument, besides Goddard were distinguished judges, Asquith of Bishopstone (son of the Liberal Prime Minister), Oaksey and Tucker. Oaksey, particularly, insisted on the authority exercised by the judge’s discretion. It was the task of the Lord Chancellor, Simonds, to rebut the argument of the senior judges, accusing Goddard particularly of wanting to exceed the limits of established punishment, as set over the past century or more, and suggesting that it

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would be in the nature of panic legislation?" 440

At the subsequent Cabinet meeting, where it was again at the top of the agenda, Churchill quizzed Simonds about the Government’s stance, as it might have appeared during the Lords’ debate, and drew attention to the various views aired in the Upper House.441 (Separately, the Leader of the Lords, Lord Salisbury, made a general observation about the Prime Minister in this period: ‘I am afraid he regards us in the Lords as a rather disreputable collection of old gentlemen’.) 442

Yet it is clear that the Upper House did have its uses as an opinionated forum. Indeed, the Prime Minister might have been listening closely to what was said in the Lords on behalf of corporal punishment. He ‘thought it would be unwise for the Government to close their minds to the possibility of restoring this penalty if the case for doing so were fully established and public opinion hardened in favour of it’. 443

But the Upper House, by ventilating more moderate ideas, reduced the temperature of reactionary opinion. As in other areas of social policy, the Lords discussed corporal punishment in depth before the Commons had an opportunity to do so.444 The debate had been detailed and authoritative, as well as pivoted on philosophical ideas of punishment and justice. As the opposing arguments reverberated through Parliament, we can see evidence of what Brian Harrison typifies as the ‘growing gulf between the public reaction ... and the rationalistic and humanitarian pressures that still powerfully inspired penal reform’.445

440 Ibid., col.907.
441 Cabinet Secretary’s Notebook, 23.10.1952. TNA CAB/195/10/99.
442 Quoted, Kevin Theakston, Winston Churchill and the British Constitution, p.58.
444 In the Commons, four months later, a Private Member’s Bill was introduced by an avowed restorationist, the Conservative, Wing-Commander Eric Bullus. On a free vote, MPs rejected the measure decisively.
Although Earl Howe’s motion was openly seeking restoration of corporal punishment, and the debate was combative, it also enabled a new, more liberal -- or, at least, less illiberal -- consensus to take shape. Retribution and a belief in deliberately excessive hardship for prisoners did not steer collective opinion. These debates ensured that Parliament played a part in charting how the penal system operated after the reforms of 1948. In its deliberations, the Lords – more emphatically than the Commons – displayed a responsible concern for the incarceration of criminals. Within the Upper House, the mid-Victorian Conservative politician, the 4th Earl of Carnarvon, had lobbied for prison reform, standardizing conditions and improving efficiency. That informal parliamentary responsibility would be recognized by the Home Secretary, R.A. Butler, in his 1958 Cabinet memorandum on Prison Reform. 446 There was a developing view of corporal punishment as a regressively brutal kind of justice. Indeed, the demands within Parliament for restoring it became less strident over the following years, and eventually fell away -- or it might be argued that the focus of the struggle between the opposing penal campaigners switched towards the more emotive issue of the death penalty. (When, in 1958, a relatively young and recently arrived hereditary peer, Lord Gisborough, a regular army officer, as Captain of the Northumberland Hussars, argued for the reintroduction of corporal punishment, he was reproached by Lord Chorley for being out of step with an ‘exceptionally forward-looking and constructive’ stance, as shown in Lords’ debates over recent years.447)

Genuine ethical considerations in the Lords should be taken at face value, not as signs of actual power or control, as the French philosopher, Michel Foucault

ascribed to a privileged class within a state. A more apt explanation lies in what David Garland has called ‘penal-welfarism’ – ‘which shaped the common sense of generations of policy-makers, academics and practitioners’. The status quo, in terms of the principles of imprisonment and punishment, was broadly accepted, but there was criticism and concern about how the penal regime actually functioned, as well as a premium placed on more humane conditions in order to promote efficiency and guarantee better results.

The most pressing concern was prison overcrowding, in the light of a near doubling in those held in custody since the pre-war period. The former Lord Chancellor, Viscount Simon called a debate in late-1952. Simon advocated the high-minded ideal of prison as serving an end beyond mere incarceration -- one of moral reform for the inmate – as well as the provision of more prison officers. Further highlights in the continuing Lords’ debates were Templewood’s regret that there had not been a meaningful programme, as originally envisaged, for creating remand centres; Lord Chorley’s anger, as a magistrate, at the numbers of people who, in his mind, were unfairly handed custodial sentences without proper consultation with the relevant probation officer; and the Earl of Huntingdon’s emphasis on the economic rationale, in prison expenditure savings, as a result of reforming offenders and releasing them, as well as his concern that only lightbulbs of no more than 40 watts

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450 In 1938, the average prison population was 11,086; in 1950, 20,474 -- with a still rising trend, reaching about 24,000 two years later. Based on Annual Reports of the Prison Commissioners in England and Wales, in A.H. Halsey, *British Social Trends since 1900* (Basingstoke, 1988), p. 627. Inadequate conditions prompted the chairman of the Prison Commission, Lionel Fox, to write that 'the normal habits of large numbers of the prison population still fall short of refinement'. Fox, *The English Prison and Borstal Systems* (1952), p.229.
were available in some prisons, so reducing the opportunity for reading in cells. 452

These debates – staged almost every year – were opportunities to hold the government to account and to urge more spending where it was needed. Lord Mancroft – personally sympathetic to penal reform -- rounded off his speech in the 1955 debate with the poignant observation that ‘there is really no conclusive end to any debate about imprisonment’.453

The Upper House included an ardent believer in the task of offenders’ moral reformation and rehabilitation, Lord Pakenham, whose voluntary work as a prison visitor informed his views. A strong commitment to ‘after-care’ led him in 1956 to set up a charity, the New Bridge, dedicated to helping released convicts.454 Pakenham’s sometimes convoluted sermonizing suited the leisurely pace of Lords’ debates, where individual conscience might be exercised in symposium style. (Later, in 1959 – and in a sign of strengthening expertise in the chamber -- three new life peers, including a practising criminologist and magistrate, Baroness Wootton, as well as the former independent-minded judge, Lord Birkett, added their views to the deliberations.) However, it proved difficult to create a coherent form or understanding of criminal punishment. 455 Any vacuum in official policy drew comment from a minority of well-informed peers, steeped in a tradition of paternalism or rational administration, and monitoring penal institutions themselves. No single ideological strand, progressive or reactionary, monopolised the red benches, though there

454 In his autobiographical writing, he remarked that his overriding test of a party politician was ‘the extent and quality of his moral influence’. Born To Believe: An Autobiography (1953), p.251
455 An expert commentator wrote in 1947: ‘It cannot be said that the theories of criminal punishment current among either our judges or our legislators have assumed ... either a coherent or even a stable form’. C.S. Kenny, Outlines of Criminal Law (15th Ed.,1947) p.38.
were certainly traces of both tendencies.

A similar, subtle shift in opinion in the Upper House can be discerned in relation to homosexuality law. During a decade when sexual relations between consenting male adults still fell under the shadow of criminality, the House of Lords openly discussed the subject. Its place as a ‘ventilating’ chamber for personal opinions had already allowed attention to be given to sensitive, if not (for some individuals) taboo, topics. On the official level, the criminal status of homosexuality was considered problematic. Frank Mort suggests that the state’s ‘prevailing view remained that intervention on sexual matters was always contentious and best devolved to religious leaders and secular experts, or shunted off to the extra-political sphere of private life’.456

Yet, despite this widespread reticence, the Lords addressed homosexuality quite frankly, in both human and legal terms. It held debates shortly before the appointment of the Wolfenden Committee in 1954, which looked at that policy area and that of prostitution, and soon after the Committee’s report was published three years later. Impatient MPs had to wait more than a year for a debate after the Wolfenden Report’s publication. Remarkably, too, in 1921 the subject of female same-sex relations (never covered by criminal law) had come up in the Lords, though definitely not in any permissive vein. 457 The amendment proposing a punishment for an ‘act of gross indecency between female persons’ was lost. In the 1930s, homosexuality had featured in parliamentary exchanges only in the context of the law relating to marriage and divorce. It was the Lords, exercising its developing interest in social affairs and independence of government business managers, which had raised the issue -- principally as a medical matter. The royal

457 HL Deb 15 August 1921 Vol 43 col.572.
physician, Lord Dawson of Penn, spoke of the risk of ‘potential’ homosexuals and the possibility of advance prevention.  

After the Second World War, homosexuality was linked in the official mind with public order, as well as concern within the armed services. Intensive police activity had led to criminal arrests, stirring a sense of ‘moral panic’. More recent academic literature has identified the reasons for the post-war outlook and the tendency to stigmatize and prosecute with greater zealfulness, evident in the arrests and trials of Lord Montagu of Beaulieu and others on charges of indecency, in 1953. (Montagu was convicted and imprisoned the following year for ‘consensual homosexual offences’.) Equally, there was a growing awareness that the state’s overbearing, illiberal approach brought hardship and the stigma of criminality to many individuals. This sense of unfairness and arguably outdated legal sanctions intensified the pressure for change.

At the core of the apparent ambivalence lay an unsteady and tentative attitude towards this aspect of social reform. How the Lords acted and reacted is itself revealing, as Government and Parliament were anxiously considering the boundaries of the law, marking the division between public and private morality. Such a concern occurred within the same atmosphere as that prevailing over the future of capital

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458 ‘.. if you can only get a right influence to bear morally and physiologically, you can guide them into the natural physiological route’. *HL Deb 07 July 1937 Vol.106. cols.143-144.*


461 In a hard-hitting editorial, the *Sunday Times* attacked a ‘society riddled with hypocrisy’ and left with a law seemingly ‘not in accord with a large mass of public opinion … In this instance, the law was imposed, and is applied, by the normal majority who of their own nature cannot experience any temptation to break it, and find it hard to understand the minds of those who do’. ‘Law and Hypocrisy’. *Sunday Times*, 28.3.1954.
punishment – an inconvenience for the Conservative governmental approach and the policy programme behind it, which was not centred on libertarian change.

Yet, the claim of the Lords to deliberate on homosexuality was recognized at an early stage by the Cabinet, both as a means of airing such a sensitive subject and as a possible platform for initiating legislation -- though the first would clearly be a more immediate priority than the second. At the same time, following the charges against Montagu, and in the interval before the setting up of the Wolfenden Committee, Lord Salisbury was trying to resist attempts by the maverick Tory peer, Earl Winterton (steadfast against any idea of reform), to initiate a Lords’ debate. According to the Cabinet minutes, he (Winterton) ‘could not be prevented indefinitely from doing so’.

The Government’s reluctance to allow a debate in the Upper House appears mainly because it was unready or unwilling to put forward a cogent policy on homosexuality. But after the announcement that there would be a committee of inquiry, Winterton’s call for a debate could no longer be resisted. In holding one, the incendiary potential of an issue under separate official examination was also reduced. (At other times, measures on issues of conscience were preferably introduced as Private Members’ Bills rather than being sponsored by the Home Office.) On introducing his

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463 Ibid.
464 Winterton’s personal style is vividly captured in this portrait: ‘The intolerance as well as the exuberance of youth persisted beyond middle age, and in the heat of controversy he would make personal allusions better left unsaid. Even while listening to others he displayed daunting mannerisms: grimly folded arms or knuckles cracking like pistol shots. When he could bear no more he exploded. If his shafts left few wounds, it was because of the affection he inspired as a ‘character’, almost an institution’. Kenneth Rose, ‘Earl Winterton’ ODNB.
motion in the Lords – ‘to call attention to the incidence of homosexual crime in Britain at the present time’ -- Winterton explicitly classified it as a ‘nauseating subject’.\textsuperscript{465} In his memoirs, published the following year, surveying what he found to be a general descent into social tawdriness, he termed homosexuality an ‘unnatural vice’.\textsuperscript{466} For the rhetorical purposes of his Lords speech, he added the epithets, ‘filthy’ and ‘disgusting’.\textsuperscript{467}

Much of the discussion in the House of Lords took on an abstract air, which encouraged excessive moralizing. But peers showed a diversity of viewpoint and range of tolerance, as contrasted with a Cabinet which seemed, at best, indifferent. Three years later, after the Wolfenden Report’s publication, Lord Brabazon was to praise the House, with a measure of constitutional respect, as ‘a singularly good place in which to debate this difficult subject, because your Lordships do not have a constituency, or rather constituents, looking over your shoulder to note what you say. That is always a difficult situation for a Member of Parliament’. \textsuperscript{468}

Essential to Winterton’s remarks was his view that any relaxation of the existing law would lessen individual responsibility. A more immediate sanction which Winterton had in mind was ‘a much greater condemnation by public opinion’. \textsuperscript{469} But it seems that, when he referred in his diatribe to the recent criminal prosecution of the celebrated actor, Sir John Gielgud, on charges of importuning -- and reportedly called for him to be stripped of his knighthood, which had only been conferred the

\textsuperscript{465} \textit{HL Deb} 19 May 1954 Vol.187 col.737.
\textsuperscript{466} Earl Winterton, \textit{Fifty Tumultuous Years} (1955), p. 117.
\textsuperscript{467} \textit{HL Deb} 19 May 1954 col.739.
\textsuperscript{468} \textit{HL Deb} 04 December 1957 Vol.206 col.761.
\textsuperscript{469} \textit{Ibid}., col. 744.
previous year -- Winterton overstepped the mark, earning a rebuke. 470 Drawn into acrimonious skirmishes with other speakers later in the debate, he concluded his speech -- as various peers in this period often did when they resisted countervailing ‘modernizing’ ideas in social and penal policy -- by appealing on behalf of the nation to shore up the status quo. Winterton’s oratorical flourish is such an example of patrician populism and patriotism:

I am convinced that the majority of British people agree with me that few things lower the prestige, weaken the moral fibre and injure the physique of a nation more than tolerated and widespread homosexualism. I hope and believe that we have not reached that point, and never shall. If we did...we should lose our influence for good in the world, and we should go the way of other countries in the past, who were once great but became decadent through corrosive and corrupting immorality. 471:

Although Winterton attracted some support, it was more in a vein of lament for falling social standards than of fierce condemnation: these sentiments were expressed by Lord Vansittart and the former Labour Lord Chancellor, Lord Jowitt. In what would become axiomatic, Jowitt argued for the separation in the official treatment of homosexuality of the criminal law from the moral law. 472 Many peers appeared more judicious and fair-minded. So, Winterton’s provocative style even helped to demonstrate the need for a businesslike treatment from his colleagues.

On the reforming side of the argument were Lord Ritchie of Dundee (the grandson of a Conservative Home Secretary, a stockbroker and future Chairman of the Stock Exchange), who was concerned that the message going out from the

470 Winterton’s ad hominem comment appears to have been struck out of the official parliamentary record, though his subsequent brazen refusal to apologize, and indeed Gielgud’s name, remain in the pages of Hansard. HL Deb 19 May 1954 col.766. Intriguingly, it has been shown that Winterton had, earlier in his career, shown a more liberal attitude. See Kate Gleeson, ‘Resisting Homosexual Law Reform in Britain in the 1950s: The passions of Earl Winterton’, Australian Journal of Politics and History, 56:2 (2010), pp. 191-207.
471 HL Deb 19 May 1954 cols.744-745.
472 Ibid., col.745.
Upper House had been dominated by the theme of crime and punishment, and the Labour peer, Lord Chorley, whose attempt to summon ‘real human sympathy’ also had the effect of pathologising homosexuality and approaching it in terms of penal efficiency – such as whether the system of punishment, especially prisons, was adequate for handling offenders after they had been convicted in court.\textsuperscript{473} Lord Brabazon advocated a greater spirit of Christian charity, as well as rationality in the penal code, though his fundamental attitude remained grounded in older anxieties about personal ‘abnormality’.\textsuperscript{474} The ministerial spokesman, Lord Lloyd, affirmed that all the contributions in the Lords would be studied both by the Government itself and by the Committee.\textsuperscript{475}

The presence of bishops in the Lords, and their regular intervention on matters of social policy – as over the capital punishment issue -- enabled the established Church to promote a distinctly moral element in these discussions. Homosexuality was an issue which highlighted the Church’s anxiety about waning beliefs, while also spurring compassion for those at risk of being victimised by the law. In terms of public doctrine, of a loose, not necessarily dogmatic kind, the House of Lords provided a platform for arguments which derived from religious authority.\textsuperscript{476} But there was a paradox, too, in which the Church hierarchy, despite its historical fixture in Parliament, appeared increasingly detached from a traditionalist Tory

\textsuperscript{473} Ibid., cols., 757, 763-764.

\textsuperscript{474} ‘We shall not change people’s habits by threatening them with penalties. What we must do, if we are to diminish the increase in homosexuality, is to look into the far more complicated question of breeding, environment, education and that sort of thing’. Ibid., cols., 761-762.

\textsuperscript{475} Ibid., col.737.

conception of the state. Meanwhile, not all of those peers who spoke as professing Christians necessarily agreed with the broad message of a more tolerant public morality. Arguably, there was a critical institutional factor at work for the Church. As Matthew Grimley puts it: ‘For churchmen, this debate was partly about drawing a line between the jurisdiction of Church and State’. Indeed, over the following decades, it was the thrust and content of the bishops’ message which helped to amplify the sense of a moral parliament, even while sometimes exasperating government ministers. This was a form of outspoken dissent deriving formal authority from the state Establishment, notwithstanding occasionally searing criticism of the official policy of the same state.

Later, in the challenge of responding to Wolfenden, the Archbishop of Canterbury, Geoffrey Fisher – who, as already seen, was a reluctant social reformer found himself well in advance of a Conservative government, and to a greater degree so than his guarded stance on capital punishment. He took up Wolfenden’s firm split between the religious notion of sin and a civil understanding of crime: ‘a sin is not made a crime until it becomes a cause of public offence, although it remains a sin whether or not it be a crime’. Homosexuality was not to be accorded anything like an individual right, let alone dignity or recognition as a mode of conduct. Fisher’s moral code still carried the stigma of homosexuality as ‘unnatural’. Yet the course of his argument was focused on the wider community, encompassing everyone and taking account of the State and the Law: ‘the threat to general public moral standards from homosexual offences in private is far less, and far less widespread, than the

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478 HL Deb 04 December 1957 Vol 206 col.754.
damage openly done to public morality and domestic health by fornication and adultery'.

Within the Lords, a highly conservative tendency was again offset by a pragmatic one. The argument for reform was not liberal in an ideologically driven sense, pushing for different values on the basis of civil rights or greater tolerance of sexual difference. It was not so much a principled progressive-mindedness as an awareness that the existing law was both unfair and quite ineffective anyway.

In the wake of the Wolfenden Report’s publication, in 1957, the Lords held its own further reasoned debate, with diverse viewpoints. On the anti-reform flank, the judge, Lord Denning, following Winterton, categorised homosexuality as an ‘unnatural vice’, which ‘strikes at the integrity of the human race’ – though he prudently stipulated that ‘the judges should be discreet in their punishment of it’. Winterton himself was less shrill than in the previous debate but still implacable. Two Labour peers, of working-class background, Lords Lawson and Mathers, were vociferously against any move towards legalising homosexuality; the latter using Christian belief in defence of the existing penalties.

The Government had faced the Lords one year before the Commons, and without having a coherent policy direction on this issue. Indeed, Maxwell Fyfe, (now, as Lord Chancellor, Lord Kilmuir) used his platform in the Upper House to deliver his own hard-line views, telling the Lords categorically that there was no prospect of early legislation to remove criminal sanctions -- in effect, dismissing the Wolfenden

479 Ibid., col.755.
480 Ibid., cols., 807, 811.
481 Ibid. col.793.
482 Ibid., col. 823.
Report -- also warning of the continuing risks of corruption for young people and society at large. 483

The Marquess of Lothian, who had recently served as a member of the Wolfenden Committee, took his turn in the Lords debate, though not in any official capacity. (A major hereditary landowner in the Scottish Borders, who also happened to be a Catholic, he later became a junior Conservative minister.) Lothian referred to homosexuality as 'this degenerating vice', despite acknowledging that taking part in the inquiry had helped him to overcome 'very ill-informed views on these unpleasant subjects'; toleration was not the same as condoning homosexual practice. Regardless, he endorsed the emerging consensus in favour of distinguishing between personal responsibility and the state's enforcement of standards. 484

So, homosexuality both in terms of morality and the law was a matter of personal conscience for parliamentarians. There was no definitive or singular 'considered opinion' on homosexuality which emerged from these Lords' debates. If the chamber was speaking for 'the nation' -- used commonly as a touchstone of parliamentary authority -- its multiple voices showed a distinct lack of unanimity. Individual opinions ranged between visceral antipathy, theologically tortuous compassion, the need for scientific enquiry and the shortcomings of the criminal justice system. In total, these views may have reflected wider reactions to the Wolfenden Report's publication, which The Observer recognized as 'lively, varied and somewhat confused', but with a high-minded, magisterial tone. 485

483 Ibid., col.773.
484 Ibid., col.787.
485 'Sex and Sense', The Observer, 15.9.1957.
For its part, the Macmillan Government had already decided not to proceed with homosexuality reform -- though it did allow for legislation dealing with the other part of the Wolfenden Committee's policy area, prostitution, which took legislative form in the 1959 Street Offences Act. Perhaps the most significant feature of both the major debates in the Lords on homosexuality was that they actually happened at all. The Conservative Party phalanx in the Upper House did not shy away from dealing with an issue which a Conservative government preferred to leave untouched. By the mid-1960s, the persistent advocacy of the Conservative peer, the (8th) Earl of Arran, as well as the incremental changes in membership with new life peers, brought a substantial majority behind the 1967 Sexual Offences Act, which followed the broad lines of the Wolfenden Report: a keynote reform after a ten-year delay. The Lords, speaking as an assembly, occasionally discordant, had been laying an authoritative basis and pointing the way forward for further discussion of this topic, later, as the political climate altered, liberalizing in significant ways.

Above all, the Lords did prove to be amenable to aspects of the modern cultural landscape, such as popular betting habits and, indeed, the discarding of former puritanical taboos. The capital punishment debate was itself a fair and open-minded discussion, revealing that the balance of opinion was actually shifting in a more progressive direction, regardless of the decisive rejection of reform. Likewise, the occurrence of the homosexuality debate, as well as some of the pragmatic or sympathetic contributions, indicated that the Lords in the future would not necessarily block reform in that policy area.

These debates also helped to clarify that there was an ‘outer core’ of hereditary peers, beyond those who attended most frequently, who would be inclined to travel to Westminster in order to participate and register their opinions on
‘moral’ issues. In party political terms, an overwhelming Conservative majority within the Upper House was caught up in the wider cross-currents of traditionalism and modernization – and by no means all of these peers defiantly in the rearguard against change; some even likely to be in the vanguard. Here, the constraints of electoral politics gave the chamber particular advantages over politicians in the Commons who were far more closely tied to a popular mandate.

The political culture of the Lords had already started to shift from its traditional territorial aristocratic base. As a well-placed long-term observer, F. W. Lascelles (who served as Clerk of the Parliaments, 1953-1958) put it: ‘The exclusive and aristocratic atmosphere has gone and the result of the increase in numbers [mainly through new creations] has been to restore it to a basis of service’. 486 This process, where ‘professional’ values rather than hereditary social entitlement became more of a measure of lordly opinion. It also worked towards mitigating Bagehot’s view of the Lords as in danger of being timid, on account of it being ‘only a section of the nation’ and therefore ‘afraid of the nation’.487 In reality, the outspokenness of individual peers, before the introduction of life peers, demonstrated a senatorial spirit, unafraid of the nation. The human side of the Lords was integral to its rationale as a deliberative body and its performance.

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487 Bagehot, English Constitution, p. 144.
SECTION THREE
BETWEEN PIOUS ASPIRATIONS AND PRACTICAL POLITICS:
REFORMING THE HOUSE

CHAPTER 7: THE LONG PRELUDE TO LORDS REFORM

Lord Pethick-Lawrence’s view of the Lords – with the leisure available for the ‘ventilating of questions which are on the border-line between pious aspirations and practical politics’ -- was true, above all, of attempts to modernize the Upper House itself. 488 Idealism and constitutional reform were pitted against pragmatism and statecraft. The Life Peerages Act, 1958, signified the end of a long interval for the Lords, though admittedly it served more as another point of transition than a final full stop to the question of reform. Uncertainty had prevailed since the first major redesigning statute, in 1911. The preamble to that earlier (Parliament) Act explicitly raised the prospect of a radical overhaul: ‘it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis….’ Qualifying that intention was the terse statement: ‘… but such substitution cannot be immediately brought into operation.’ 489

In those official words lay either an open-ended opportunity or a set of hazards attached to the prospect of reform. There was no specified timetable or detail relating to such an intention. This allowed for a vacuum, where various abstractions and schemes were subject to the priorities of statecraft and sheer

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488 Pethick-Lawrence, ‘Legislative and Deliberative Functions’, p.75.
expediency. The push for reform was intermittent, not sustained – and it would be overwhelmed by its own complications, or simply subordinate to more pressing political business. Looking back from the vantage-point of its passing, the 1958 reform had an extended gestation. Even its seemingly modest scope confirmed the difficult conditions which left many earlier plans unfulfilled.

In order to understand what the 1958 Act heralded in constitutional and political terms, and how it assumed the form that it did, it is essential to take a slightly longer view in retrospect. Providing a background commentary to this historical process, textbooks on British constitutional history (and occasional newspaper editorials) help to give a contemporary understanding: the tableau in which politics operated. One example of this kind of depiction was written against the background of the constitutional crisis of 1909-1911:

One stone has been added to another with an eye to immediate convenience rather than to ultimate symmetry, while the foundations lie buried deep down in early economic and social history...A history of the English Constitution seems to consist of chapters of accidents, and it is this apparently haphazard formation which distinguishes it from all other parliamentary systems of government, for though the majority of them were made after the English model, they came complete from the hands of the modeller. 490

There was a series of arguments about the future of the Lords, stemming from that ‘haphazard formation’ and what has been well defined by Michael Foley as the constitution’s ‘characteristic essence and formative processes’ remaining ‘highly problematical, indeterminable, and subject to personal belief and philosophical dispute’. 491 Foley’s notions of ‘silences’ and ‘abeyances’ inside the constitutional mechanism allow for manoeuvres within the ‘high political’ world towards changing the Lords, as well as long stretches of time when the House simply continued in its

parliamentary role, regardless, enabled by its innate resourcefulness. So, the Upper House was grounded, despite its viability being doubted in some quarters.

The path leading to the introduction of life peerages is a fragmented one—and this pattern is also visible in historical analysis of the Lords throughout the first half of the twentieth century. At the core of the existing research is the question of reform; some of the historiography dealing with it will be addressed in this chapter so that the context for the development of the Lords in the 1950s, its profile and politics, can be more fully comprehended.

A ‘politicised’ constitution has been an essential factor behind this evolution—inescapably so. In the interpretation here, the overall setting and the sometimes haphazard attempts at reform are brought together. Without an approach along these lines, the subject of the Lords would be confined to abstract significance. Building on primary published sources and the subsequent historical insights into the chamber in the inter-war period, this chapter attempts to assess how its ‘irrational’ nature was considered to be working, before politicians grappled with it in the 1950s.

The status and functioning of the British Constitution were important factors bound up with reform proposals for the Lords. Any suggestion of reform prompted constitutional issues. So, the erratic moves towards change could not disregard more fundamental points about how the Constitution operated. Everyone involved in these deliberations became aware that basic principles applied; the working of the state would be affected, for better or worse, by any plan to overhaul the Upper House. Above all, there was a great degree of portentous esteem for the very idea of the continuity of institutions of state. Stuart Ball has judged that within the polity, ‘Parliament came to be seen by many as being in itself a principal
guarantor of national stability.' Its historical grounding proved essential: 'The antiquity of the institution, its place in the consciousness of the national past, and the veneration of traditions which had matured over centuries combined to give Parliament a feeling of unquestioned permanence.'

The background of the post-1911 period set the course for change, but also illuminated the problems and impediments to a line of progress which, anyway, did not follow in the style of classic Whig teleology. Nothing was inevitable, and the future of the House of Lords could not be taken for granted. Through the historical lens, the hopes of reformers are salient, yet so are the factors making for their disappointment – and all these contributed to the political narrative over several decades, prefiguring what happened on this front after 1945. However, although the remoulding of the Lords as a parliamentary body was purposeful, an inner transformation also occurred more subtly. The enactments of reform that took place had profound consequences; correspondingly, there was incidental change, with various factors somehow taking effect. As this thesis explores it, the change in the overall atmosphere of the Upper House, even before life peers arrived, was both a symptom and cause of a less stridently aristocratic membership and a discursive style of debate, (mostly) not challenging the democratic mandate of the Commons.

The impetus behind reform often met its countervailing logic in a lack of political consensus and will with which to drive through any change. Public indifference, on one side, and the elaborate schemes for reform, on the other, failed

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to provide a basis for a constitutional remodelling. And the ideology of Conservatism did not point to a clear-cut answer to what may have seemed a near-insoluble problem, both in constitutional and political terms. Above all, the conditions facing the Conservative Party in power would determine whether government ministers were able or willing to grapple with the question of what kind of House of Lords should exist. For some politicians, this amounted to a saga of frustration, hopes sadly dashed; for others, it was either tiresome or irrelevant, or both.

Throughout this process, there remained a need to reach some understanding or consensus about what the House of Lords was for. Thinkers on this subject might take a view based on how they regarded what J.A.R. Marriott, in 1910, called the varying ‘merits’ and ‘defects’ of the Upper House. The chamber performed a useful role within the body politic; its flaws were transparent, yet so were its virtues.

Viscount (Herbert) Samuel, who was still pressing for reform in the 1950s, forty years after his service in Asquith’s Cabinet at the time of the 1911 Act, conjured an analogy for this protracted process:

...the House of Lords question resembles nothing so much as a State Ball at Buckingham Palace, with its quadrilles...We took dignified steps this way and that way; we would advance and retire, take two steps to the right and return to our places, take two steps to the left and return to our places again...It was a performance, a charming performance; but nothing was done... it was a performance without achievement.

As on the very occasion when Samuel spoke, changes in the make-up of the

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493 J.A.R. Marriott, Second Chambers: An Inductive Study in Political Science (Oxford: Clarendon Press, 1910) p.298. During the showdown between government and the Lords, Marriott wrote about how devising a useful Second Chamber ‘has tried the ingenuity of constitution-makers from time immemorial’. The challenge lay in giving it ‘powers of revision without powers of control; to make it amenable to permanent public sentiment and yet independent of transient public opinion; to erect a bulwark against revolution without inter- posing a barrier to reform’. Ibid.

494 HL Deb 03 February 1953 Vol 180 cols.153-4.
Lords were extensively debated, though they remained abstract proposals. At times, the question of reform appeared like trying to square a circle. The basic equation, and the relationship between the Lords’ composition and powers, was clear at the time of the 1911 Act. Yet it also suggested a dilemma at the core of constitutional change. David Southern has written in relation to 1911 – though the reality persisted long afterwards: ‘There were two approaches to the reform of the House of Lords: to strengthen it by changing its composition; or to weaken it by reducing its powers.’ 495

Either course of action threatened controversy, particularly when the gradual extension of the franchise underlined the democratic legitimacy of the House of Commons and the 1911 Act clearly subordinated the Lords to it. Ironically, Walter Bagehot, in the 1860s, had been wary both of reform of the Commons (the extension of democracy) and the continuing non-reform of the Lords, with the risk of atrophy. ‘The danger of the House of Commons is, perhaps, that it will be reformed too rashly; the danger of the House of Lords certainly is, that it may never be reformed’... ‘it is quite safe against rough destruction, but it is not safe against inward decay...Its danger is not in assassination, but atrophy; not abolition, but decline.’ 496

Despite Bagehot's generally acute insights, there would, in the first half of the twentieth century, be the possibility – relished by some on the Left, dreaded by others on the Right – of outright abolition. And, though Bagehot continued to be the


496 Walter Bagehot, The English Constitution, p.149. Bagehot’s ‘longevity’ as the author of a canonical text – ninety years after he wrote it – was attested on the floor of the House of Lords by Viscount Hailsham, who remarked: ‘of all the writers there have ever been upon the British Constitution I still think he shows the most insight.’ HL Deb 31 October 1957 Vol. 205 col.704.
most quoted author of a constitutional text, we can see his chapter on the Lords as a relentless examining of how the personal make-up of the chamber had an effect on the workings of the legislature: ‘Being a set of eldest sons picked out by chance and history, it cannot be very wise.’ 497 The human side of the Lords was integral to its well-being and total performance.

Despite the historical legacy of the Upper House, it was not immune to anxiety or criticism. It is therefore necessary to follow this current of dissenting thought and how it had a tendency not automatically to accept without question the existing institutional arrangements in the cause of ‘reverence for Parliament’, as Linda Colley terms it. 498 But any dissatisfaction concerning the Upper House – and it was often vented -- succumbed, for the most part, to a pragmatic, or non-interventionist, stance, with the sidelining of radical proposals for Lords reform. No definitive blueprint for a legislative body was waiting to be implemented. The difficulties in establishing a consensus on this score need to be fully taken into account. Lords reform is a test-case for attempting to modernize the constitution.

Colley’s focus on an earlier period, when reverence for Parliament was bound up with values such as patriotism, does offer a way of looking at this form of ‘high political’ life in the light of continuity; certain characteristics, but by no means all, were ingrained, across the generations. ‘It was not just that Parliament provided peers and MPs with an unparalleled vehicle for advancing their own sectional interests, though it obviously did that. And it was not just that Parliament became a vital forum for career advancement and for securing appropriate legislation. Serving … in Parliament provided a male elite …to play the Roman senator. It drew on

497 Ibid., p.141.
whatever rhetorical ability they possessed, and it catered to their sense of civic worth.’ 499

Specifically on Lords reform, advocates of change would – as we shall see – invoke the senatorial motif. It was far-removed from the persona of the decadent or self-interested aristocrat, and held the possibilities of expressing ‘civic worth’. Meanwhile, if this constitution, as a whole, represented a developing set of rules which were themselves contingent, as opposed to fixtures, and political in nature, rather than solidly set and monumental, any proposed change brought wider implications. It summons up what John Dearlove calls a constitution’s ‘ambiguous quality’ – being both virtually outside politics, as part of a celebrated national heritage, while also attempting to make sense of ‘crucial facets of political and institutional life’, within the political arena and so at the receiving-end of critical barbs and attempts to reconfigure -- in the British case -- a ‘flexible’ set of rules. 500

These rules can also be characterized as improvisatory, a recognition that there was some leeway in the method by which constitutional arrangements might change. Stanley Baldwin made a significant observation on this subject, when he told the House of Commons in 1932 (in the different context of a debate on cabinet responsibility during a period of coalition-based National Government) that the constitution was, at that particular point, unfixed and therefore relatively fluid, even though it might later appear more definite through a retrospective view. As a result, ‘at almost any given moment of our lifetime there may be one practice called

499 Ibid.
500 Dearlove, ‘Bringing the Constitution Back In’, p.534. Viscount Bryce celebrated the ‘flexible’ constitution (long before his official consideration of Upper House reform), leaving the field open both for subsequent commentators and politicians. James Bryce, The American Commonwealth, Vol. 1 (1888), pp.476-477: ‘The Constitution of England is constantly changing ... A constitution of this kind, capable at any moment of being bent or turned, expanded or contracted, may properly be called a Flexible Constitution.’
"Constitutional" which is falling into desuetude and there may be another practice which is creeping into use but which is not yet called "Constitutional".\textsuperscript{501}

The post-1911 period opened up both the prospect of reform and the possibility of more subtle shifts in the actual profile of a Second Chamber. A largely informal constitutional evolution could allow for the slow transfusion in its membership. Just one year on from the Parliament Act, the constitutional historian, J.H.B. Masterman re-imagined a more serviceable House than that which had recently been locked in battle with the elected government:

No serious student of our Constitution can doubt that a Second Chamber, representing not the propertied classes, but the highest trained intelligence of the country, and free from those considerations of party advantage by which the leaders of the various parties in the House of Commons are bound to be influenced, would be an asset of the greatest value of the nation.\textsuperscript{502}

The Wensleydale Case,\textsuperscript{1856}, had effectively blocked the introduction of life peers. Reacting against that decision, Bagehot argued that life peers ‘would give us a larger command of able leisure; it would improve the Lords as a political pulpit, for it would enlarge the list of its select preachers.’\textsuperscript{503} In the early-twentieth-century, Sidney Low – as already seen -- hoped for ‘a strong Senate' to emerge from reform.\textsuperscript{504} And, for Low, the image of serious and industrious peers, distinguished from decadent aristocrats, was central to parliamentary business: ‘It would be well to confine attendance to those who are really interested in the work and capable of doing it, and to keep out the loungers, the incompetent, and the disreputable.’\textsuperscript{505}

\begin{itemize}
\item[\textsuperscript{501}] HC Deb., 08 Feb. 1932, Vol.26 col.531.
\item[\textsuperscript{503}] Bagehot, \textit{English Constitution}, p.149. Bagehot highlighted how the Lords contained ‘certain bodies of sensible men posted prominently in its Constitution’ [who] ‘acquire functions, and usefully exercise functions, which at the outset, no one expected from them, and which do not identify themselves with their original design’. \textit{Ibid.}, p.146.
\item[\textsuperscript{504}] Low, \textit{Governance of England}, p.246.
\item[\textsuperscript{505}] \textit{Ibid.}, p.238.
\end{itemize}
Meanwhile, the US political scientist, A. Lawrence Lowell, was obliged in the wake of the Parliament Act to revise his book, *The Government of England*, which was originally published in 1908. Recognizing that if there were to be no subsequent ‘radical reorganization of the composition’ of the House, with the 1911 Act as a ‘mere makeshift’, there would be a risk that the Lords would remain ‘to some extent an instrument of party’. However, Lowell’s main judgement was a sound one: ‘Conservatives talked at the time the act was passed of setting the authority of the Lords up again when they came to power, but sometimes all the King’s horses and all the King’s men cannot undo the effects of a fall.’

In his official summing-up letter at the end of the official discussions of reform, in 1918, Viscount Bryce noted the main challenge in the devising of such reform: ‘We had to adapt an ancient institution to new needs, fitting it in to a system which presents new conditions, and seeking to overcome prejudices and antagonisms which generations of party conflict had made acute’. This sentence might form a coda for all attempts at Lords reform, perennially.

The Bryce Conference’s proposals were not enacted, though they contained a number of forward-thinking ideas, including limited twelve-year terms for peers and the ability of hereditary peers who do not become members to stand for election to the Commons instead. (Three-quarters of the new Chamber would be elected indirectly, on regional lines, by MPs. And one quarter, composed of existing hereditary peers and bishops, would be chosen by a joint committee of ten members from Lords and Commons.) Yet, according to a later view, the Bryce Conference

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508 *Conference on the Reform of the Second Chamber*, Section 28.
‘did little more than re-argue peacefully the old points of dispute, and continue to disagree upon important points.’ However, part of the substantive recommendations of the Conference – Bryce favoured a French-style Senate as a second chamber -- carried an awareness of a distinctively post-aristocratic House of Lords, which gave new shape to later arguments about why it had the capacity to flourish within long-term constitutional arrangements.

The extent to which the Upper House was being consciously remoulded, towards a more socially representative chamber, is questionable. However, in a separate act of constitutional change, the Attlee Government abolished the designated university seats in the Commons. Occupied by independent-minded figures who resisted the lure of political party – ‘the only Cross-Bench minds in the House of Commons’, as the (5th) Marquess of Salisbury sounded their eulogy in 1948 – they were akin to the newer breed of professionalized peer. And there was recognition of that rationale in a Bow Group pamphlet for the Conservative Party, in 1953, The University Vote, which maintained that the Second Chamber could hold the former category of representatives, ‘men and women experienced in a variety of subjects, in politics, law, industry, public administration, science’ and in education -- though, in the pamphlet’s view, an ‘entirely nominated House of Lords might again become the tool of the Executive and this would militate against its new raison d’être’. Salisbury himself espoused similar views, based on the actual and potential composition of the chamber. His passing tribute to the Lords during a debate on

509 Eugene Parker Chase, ‘House of Lords Reform Since 1911’. Political Science Quarterly, 44.4 (Dec.1929), p. 571. Bryce’s biographer, the Liberal academic-politician, H.A.L.Fisher, accepted that the Conference’s plan was ‘ingenious’, yet there was ‘very little steam behind the movement’ on behalf of reform. ‘In the House of Lords itself the appetite for suicide was very feeble….’ H.A.L.Fisher, James Bryce (Viscount Bryce of Dechmont, O.M.) Vol.II (1927), p.171.
510 HL Deb 05 July 1948 Vol 157 col.299.
511 Colin Jones, The University Vote (A Bow Group Pamphlet, 1953), pp.31-32.
scientific and technical education, in 1956, highlighted -- as he saw it -- the particular expertise that might be found on its benches: ‘I do not suppose that any other assembly in the world could produce so authoritative a body of opinion, scientific, industrial, financial or administrative’. 512 Yet, throughout, an observation of this kind does prompt critical questions about the actual realisation of an active chamber of experts. The reality was built on ‘irrational’ elements, including the uncertain scope of participation in the unelected House.

For many Conservative politicians, there was a lingering scepticism about the mechanics of reform, if not the principle. In the inter-war period, some took a reactionary stance, harking back to a more assertive Lords – though this gradually faded, as did the ‘truism’, in David Close’s words, that for many Conservatives in 1918 the Lords was ‘a necessary counterweight to an extended franchise’. 513 Geraint Thomas demonstrates how Conservative reformers ‘sought a legitimate role for the second chamber within an increasingly democratic system’, also providing a ‘means of structuring a safe polity’. 514 Although Thomas explains in detail how ‘Constitutionalism’ went through marked changes in how it defined both Conservative identity and strategy, there is a risk that this treatment subsumes Lords reform into a more general traditionalist belief-system, distancing it excessively from the actual everyday political process in which it existed. More than the tenet of ‘Constitutionalism’, what mattered was how the still unreformed House of Lords conducted itself in debates, anchoring itself in everyday constitutional workings.

512 HL Deb 21 November 1956 Vol 200 col.437.
514 Thomas, ‘Conservatives, the Constitution and the Quest for a ‘Representative’ House of Lords, 1911–35’, pp. 422, 428.
Accordingly, the case for reform -- some kind of modification, such as having an elected element within it, or life peers -- remained plausible and cogent. Yet, there was no decisive force behind it, as it faced the various pressures relegating it on the political agenda. For most of the inter-war period, Lords reform fell below the level of urgency which would have seen it enacted. But the question of what actually to do about the Lords persisted -- and this was more operational than ideological.

There was a strong argument for only limited change. Encapsulated in the title of a Times editorial in 1927, The Lords In Evolution, was a feeling that the hereditary principle did not cause much resentment: ‘We believe, on the contrary, that, with all its obvious weaknesses and abuses, it is incomparably more popular than any brand-new composite Senate could ever hope to become.’ Although The Times was in favour of a much smaller membership of the Lords (an optimum number of about 350), it assumed that hereditary peers would more easily sit together with appointed life peers, or those with limited terms, than elected ones.

This was a somewhat rarefied topic in the wide range of policies that all governments had to consider. With little popular pressure for Lords reform -- the struggle for universal suffrage, resolved in 1928 -- and the prospect of deadlock and more recriminations if a government embarked on it, inertia seemed a rational option. For some, a political order -- as André Kaiser has identified it -- ‘shaped by ideas of balance, moderation and constitutional authority’ demanded carefully calibrated change; for others, the same notion of the state and its institutions, reinforced an assumption about the good sense of leaving the Lords untouched.

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Kaiser develops an explanation of British institutional conservatism, a mentality which prompts political actors to make a rational calculation of ‘the costs and benefits of changing institutional arrangements. Reform will only be brought about if the political costs of maintaining a current institutional arrangement are higher than the expected transaction costs of an alternative.’

Although the features of institutional conservatism have an obvious, though contested, rationale, and a theory of ‘transaction costs’ may be convincing, it does seem too mechanistic in this context. Politicians, and the policies that they espouse or oppose, are not subject to a purely rational set of considerations, captives of cost-benefit analysis, though they do assess whether or not to invest political capital in particular schemes.

The question of Lords reform did demand the investment of substantial political capital by a Conservative government. Yet at the same time it certainly retained an ideological, often an emotional, charge for those who seemed to subscribe to a loose hybrid credo of traditionalism and modernisation, making enactment of Lords reform, for some – but only a small minority -- one of the mainstays of their political beliefs. It was, of course, about the nature of an historic House of Parliament, above all its collective profile and working efficiency. At stake was what Samuel Beer later pinpointed as one of the main, uncodified functions of the Westminster legislature in a representative democracy: how it mobilized consent and acceptance for a policy, particularly when there was no clear or overriding

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Considerations of statecraft and the feasibility of passing any reform would prevail. Even in the early inter-war years, that pattern was set: the evaporation of Bryce’s proposals and the failure of the Lloyd George Coalition Government to secure a path for reform were symptomatic. On the latter, Peter Dorey and Alexandra Kelso have emphasized: ‘There was simply insufficient inclination or enthusiasm among most parliamentarians for House of Lords reform at this time, but even if the issue had engendered greater political interest, progress would probably have been impeded by continued lack of agreement over precisely how the Second Chamber should be reconstituted and/or what its powers should be.’

One particular ministerial reaction in 1921 is worth noting, because of its strident resistance to tackling the reform issue and the very identity of the minister in question, someone who would be Prime Minister himself thirty years later, when the same question would reappear on the Cabinet agenda: Winston Churchill. In 1921, he abstained in committee on the submitted reform proposals, maintaining that ‘it would be impolitic and most unwise’ for the Government to pursue. ‘He, therefore, was strongly in favour of doing nothing.’

This detachment on the part of political leaders can be attributed to sheer risk-avoidance, amongst other motives. As Vernon Bogdanor has written, in a more

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general context: ‘Few politicians bother much with the Constitution. They are interested in the realities of power, not the procedures. Their responses are more likely to be based on political self-interest than on constitutional rectitude.’ 520 Any comprehensive reform would trigger complications, even possibly necessitating a specific appeal to the electorate -- which in turn might echo the procedure used in the two general elections of 1910, in relation to the standing of the House of Lords.

Reinforcing this generally cautious outlook was the settled status quo, the symbiotic relationship between a democratically elected Commons, maintaining a moderate, constitutionalist disposition, and a hereditary chamber of independent opinion, which steered clear of political extremism. Speeches on the floor of the Upper House often expressed a formalised personal respect or graciousness towards others, even where disagreement happened to be intense. After several wounding skirmishes between the Lords and Commons, and within the Lords, in the run-up to the First World War, the post-1918 period was relatively calm; the abrasive partisanship had become largely redundant.

This illustrates what Jon Lawrence has termed a ‘transformation’ in British political behaviour. Politicians, consciously, were ‘taming the exuberance of the pre-war era as part of a bold, and ultimately successful, bid to restabilize society and polity after the upheaval of war and post-war transition.’ 521 Lawrence’s view still

leaves the question of why the political eclipse of the traditional aristocracy, the slow undermining of social deference, led to an improvement in the tone of political conduct. Regardless, this ‘transformation’ is vindicated by the fact that the robust Westminster model survived the extra- and anti-parliamentary threat of Mosleyite fascism in the 1930s.

A pacific spirit may, indeed, have owed much to the Parliament Act allowing for a viable order at Westminster. John Buchan, the Conservative MP, popular novelist and future 1st Baron Tweedsmuir, spelt out in 1927 (his Commons maiden speech) how, in haphazard fashion, the imperfections of the radical change sixteen years earlier—‘a Measure begotten in haste and born in confusion’, as well as being ‘crude’—had actually worked out better than its initiators or opponents had imagined. It also rendered further reform less necessary or urgent:

You may have what is technically called a strong Second Chamber, with full powers of revision and rejection, and in a democracy like ours such a Second Chamber must necessarily be popularly elected. Or you may have a Second Chamber of the type that we have, which has been the result of the slow processes of time and not the work of a handful of constitution makers, a thing which I believe to be really representative but not directly elected by any popular vote. Such a Second Chamber must necessarily have its powers strictly limited. 522

Tellingly, Buchan believed that the Parliament Act had increased the prestige of the House of Lords, ‘because it has done much to remove from it a certain atmosphere of popular suspicion.’ 523 His pragmatic thinking rested on the Conservative axiom of a defence of institutions through their adaptability. As circumstances gradually modified the House of Lords’ historical position, the inscrutable constitutional balance could be sustained.

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522 HC Deb 06 July 1927 Vol.208 col.1311.
523 Ibid.
Meanwhile, the quandary of reform defeated the most impassioned advocates. We can see, in 1927, shortly before Buchan’s speech, a clear example of how suggestions of reform were fraught and, therefore, inordinately difficult to enact. Indeed, the elder statesman, Earl Birkenhead (F.E.Smith), referred to the challenge of reform as almost insurmountable, if not near-futile -- though still worth the attempt:

...I have still to discover any Party which can put forward proposals for the reform of your Lordships’ House with enthusiasm. Too many tired hands have tried to roll the stone of Sisyphus before, too many failures have clogged the steps of those who have attempted the reform of this venerable House. 524

Viscount Cave, the Lord Chancellor, had chaired a Cabinet committee which put forward draft recommendations for reform, including the introduction of an indirectly elected element and a reduction in overall numbers. 525 He gave a somewhat grudging acceptance of the main thrust of the Parliament Act in a three-day Lords debate. As he went on to elaborate, the Baldwin Government was also cautious about any plan to introduce constitutional change, based on the committee’s recommendations. Cave also cited the Prime Minister’s proviso during the previous general election campaign that Lords reform would only take place if there were time available. 526

However warily the Baldwin Government approached reform, it risked an outcry from the Labour Party, whose leadership tabled a censure motion in the Commons on this issue, including a charge that the hereditary peerage would be entrenched.527 With momentum failing, the reform scheme was shelved before it

524 HL Deb 22 June 1927. Vol.67 col.892. At an earlier stage in his career -- and soon after the Parliament Act -- F.E.Smith, as he then was, wrote an essay on behalf of the House of Lords. Its basic constitutional message would probably not have changed, even twelve years later. ‘What is essential is that we should be afforded the security of a strong, independent and impartial Second Chamber, possessing that confidence in its own inherent strength which is the condition precedent of stability and security.’ Quoted, John Campbell, F.E.Smith: First Earl of Birkenhead, (1983), p.352.
525 HL/PO/1/300/15/1-21.
527 HC Deb 06 July 1927 Vol.208 col.1279.
used up more political capital. The Prime Minister’s instinctive shying away from class politics -- even more so in the aftermath of the General Strike -- would have heightened any scepticism which he felt about being identified with a possibly reinvigorated and more assertive Upper House. But, according to Neal McCrillis, support for this issue declined anyway because of the Conservative Party’s ‘successful adaptation to mass democracy and modern methods of pacifying democracy.’ Yet, in the compounding of various historical factors, McCrillis’ argument carries less weight than the other part of his account of why reform did not take off -- broadly, the hard-headed calculation involved in relegating reform in order to pre-empt unnecessary antagonism and unpopularity. This point demands greater emphasis and more elaborate treatment in this particular thesis, stretching forwards in time to the 1950s, and beyond that decade, also.

What we might call the reform tendency, based on a constitutional-minded outlook, did not disappear. Arguments adduced in favour of changing the Lords’ composition continued to have a persuasive, if limited, rationale. There was no coherent factional push for reform; simply an engaged attitude towards this part of the parliamentary structure – in Burkean vein, an adaptation in order to conserve – and a concern about the dangers of non-activity, such as leading to the Lords’ abolition and eventual unicameralism. Where this pro-reform attitude existed in the inter-war period, it was generally found – though as a minority preoccupation – within the Conservative Party and among a few old-style Liberals who were aware of unfinished business from the 1911 Act. The mainspring for reform was, for the most part, the private passion of individual peers who tried unsuccessfully to initiate change, sometimes through the abortive introduction of legislative proposals.

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One leading lobbyist, over an extended period into the 1950s, was Baldwin’s Dominions Secretary, Leopold (L.S.) Amery. He argued unsuccessfully in the earlier period for the use of life peerages, believing that the hereditary variety were now anomalous because wealth and ennoblement and inherited public position did not necessarily fit together any longer:

Today there are any number of people quite worthy of a peerage in themselves, from the point of view of their service to the State, who have no money to leave behind them, and whose children have not the slightest intention of taking part in public life, and would only be embarrassed by a title. Such an arrangement would enable the Labour Party, if it came into power, to equip the House of Lords with at any rate something in the nature of a decent front bench...This would be bringing back the House of Lords closer to its original tradition of service.529

Amery’s Cabinet colleague, the Lord Privy Seal, the 4th Marquess of Salisbury -- in the middle of three generations of his family, all of whom shared a pronounced zeal for this particular subject – also voiced concern about the position of the Labour Party in the Lords because of the small size of its contingent there. Above all, though, Salisbury’s awareness of the obvious pitfalls of trying to reconstruct the Upper House did not detract from the essential imperative: ‘Just as it would be a mistake to mix ourselves up with details, it would be equally a mistake to push aside House of Lords reform altogether.’ 530

Salisbury himself became one of several peers who tried, unsuccessfully, to sponsor reform legislation from the back-benches (after his departure from government) over much of the remaining pre-war period. These peers included Lord Rockley, a Cecil kinsman of Salisbury, in 1934, and Lord Rankeillour, in 1935. But perhaps it was significant that, after the failure of attempts in the 1920s,

governments tended to leave the initiative to individual peers rather than staking their own authority -- until Clement Attlee’s Labour Government in the late-1940s and the Life Peerages Act ten years later. Accepting a degree of governmental passivity on this question, Baldwin offered the reform advocates ‘nothing more than sympathy’ when the party returned to government, in the 1930s. 531

A measure of the mainstream response to reform plans was in an article in *The Economist* in 1932, with the wearisome heading, *The Peers Again?* It questioned the whole timing of this emphasis on the Upper House, and wondered whether an indirect selection method, again by existing peers, as well as by local councils, could be termed ‘modernisation’. While not dismissing the benign intentions, say, of giving a boost to Liberal and Labour representation there, with a proposed cash subsidy to low-income peers, there was a serious doubt – ‘whether the country will increase the power of a Second Chamber to block or postpone legislation so long as its personnel is largely based on the hereditary principle or is dependent on a restricted “fancy” franchise. There is a case for the representation of special interests -- including the landed aristocracy -- in a second chamber. But reform on these lines must go very much further than is here proposed.’ 532

A particularly ambitious – and impracticable -- plan (published in 1932) was the work of two independent-minded Conservative MPs, Cuthbert Headlam, a former clerk of the House of Lords, and Duff Cooper. They called for the elimination of the hereditary element, and an elected ‘Senate’ to be introduced: ‘only an Assembly, whose members represent fairly the political opinions of every section of the community, and who hold their seats either directly or indirectly by popular suffrage,

can command sufficiently the confidence of the country to enable it to act as an effective restraining influence on the House of Commons.¹

. At an extreme, the corporatist fantasies of Mosleyite fascism in the 1930s envisaged a replacement Upper House which would fit into a greater apparatus of unfettered state control, so comprising ‘a national corporation made up of one representative from each of 25 self-governing industrial corporations in which employers, workers and government-appointed consumer groups would be equally represented’.²

The earlier schemes had been effectively thwarted within Parliament itself, despite strong Conservative majorities in both Houses. Lords reform could never avoid a trail of contentiousness, while even an awareness of constitutional shortcomings did not ensure its passage to the statute-book. In 1941, Ivor Jennings – who was not particularly sympathetic to the nature of the Lords – noted widespread dissatisfaction at Westminster with the Upper House: ‘There is now agreement that changes are necessary; but the problem as to what these changes shall be lies right at the centre of political controversy.’³ This theme would continue after 1945, with broadly similar factors still prevailing. During the 1930s, the grim international background and the eclipse of parliamentary bodies by non-constitutionalist regimes even helped to underline some of the House of Lords’ virtues -- not least, its homespun traditionalism. The constitutional scholar, D.L. Keir, in 1938, could comfortably

¹ Cuthbert Morley Headlam and Alfred Duff Cooper, House of Lords or Senate? (1932), p.64. This call for a Senate was later echoed, in slightly different form, by Lloyd George, in 1937. He claimed to regret Baldwin’s failure to deal with the House of Lords, and remarked: ‘It would have been better for me to have been a member of a Senate....I would have a Senate of about 120 members composed of elder statesmen, pro-consuls, and men of great public experience.’ Lloyd George, in conversation, reported by Thomas Jones, A Diary, p.351.


³ Jennings, British Constitution, p.88.
address the need for checks on a popularly elected House by accepting a Second Chamber with ‘co-ordinate authority’. 536

Keir adroitly shifted the terms of the debate towards a defence of the historical and inclusive constitution against the forces of dictatorship, arbitrary control or sheer chaos. Whig and Tory interpretations were bonded in Keir’s reading – a significant pointer towards the political doctrine which would ensure the survival of the House of Lords:

Tradition and habit play a large part in the working of political institutions, and the English heritage of political experience includes a profound respect for law, reliance on discussion and agreement as the necessary means for legal change, and an aristocratic conception of government as a form of service to the State rather than an opportunity of serving private or class interests. 537

Keir also maintained – persuasively -- that, by avoiding major quarrels with the Commons since 1911, the Upper House had preserved itself: a view consistent with Buchan’s maiden speech. 538

Meanwhile, the underlying Labour animosity towards the House of Lords as an institution resurfaced. (In the heat of the 1909-1911 constitutional crisis, the party’s general election manifesto had declared – in bold type-face – ‘The Lords must go.’) 539 In its 1931 election manifesto, Labour had vowed to ‘tolerate no opposition from the House of Lords to the considered mandate of the People’. 540 Four years later, it advocated outright abolition in the search for a mandate to carry out its programme ‘by constitutional and democratic means’ – though heavy electoral

537 Keir, Constitutional History, p.482.
538 Ibid., pp.483-484.
540 Ibid., p.40.
defeat left that pledge as a matter of rhetoric.  

On both political and intellectual levels, the Labour attitude during the inter-war period can be found expressed in the writings of the influential political thinker, Harold Laski. Party ‘tribalism’, class consciousness and theoretical scepticism combined to shape Laski’s view of the Lords – though that was not a necessarily uniform one. As early as 1925, with the publication of the first edition of his well-known book, *The Grammar of Politics*, Laski had challenged what he called the ‘dogma’ behind a bicameral legislature, and which, in turn, he saw as an ‘historical accident’. Although Laski was both instinctively and intellectually a unicameralist, he acknowledged that ‘Tradition...dies hard’, and therefore some ‘intermediate experiment’ might be necessary. He favoured a Second Chamber modelled on the Norwegian type, with a democratic House itself electing the Upper.

Laski argued that the House of Lords in particular had ‘set its face firmly towards the past.’ He also felt an affront to his Labour identity when considering the Lords: ‘It has been somnolent under conservative administrations, and active under liberal. Save by making its composition numerically ludicrous, it would be impossible to find room in it for an adequate representation of the Labour Party.’ Laski’s accusation -- over the sheer party imbalance -- was incontrovertible. It would unsettle both the Attlee Government, apprehensive about opposition to its radical programme, and, as we shall see, some Conservative defenders of the Upper House, who feared that such a built-in numerical discrepancy would lead to institutional breakdown, as well as

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possibly encouraging Labour abolitionists.

So, in its ideological and tactical positions over the Lords, Labour appeared to represent a possible menace, to the existing order as well as to any elaborate reform plan, which might be typified as a means of shoring up traditional interests at the expense of a progressive democratic mandate. Although subordinate in a bicameral framework, it did not necessarily follow that the Upper House was altogether insubstantial or disposable. The Lords, despite or because of the 1911 settlement, exercised restraint as a matter of informal constitutional doctrine. The radical Labour programme after the 1945 general election offered such a challenge. But the Lords’ answer proved to be mostly temperate. This was exemplified and enshrined in the Salisbury-Addison Convention, which was designed to reassure the Attlee Government and the Labour Party generally that the Lords, with its built-in overwhelming Conservative majority, would not seek to vote down legislation outlined in the general election manifesto and so securing popular support.

Bearing the names of the two opposing party leaders in the Lords after 1945, this vital constitutional understanding built on their mutual personal respect despite obvious political wariness. As the Labour Leader in the Lords, Addison, testified, it was (the 5th) Marquess of Salisbury -- until 1947, Viscount Cranborne -- who showed ‘a disposition to sink mere prejudice’ and help the Lords ‘to perform its proper function as a Second Chamber, namely that of revision and acceptable amendment, rather than in using it as a Tory engine for the frustration of the Labour Government summoned to Office and to power by the Nation.’

Lord Addison, *The Labour Party in the House of Lords*. June, 1946. Parliamentary Archives: WHE/2/143. Addison’s tribute was reciprocated by Salisbury, when he told the Lords, shortly before Addison’s death at the end of 1951, that the Labour peer, through ‘his wisdom and understanding... has helped to write an important chapter, I believe, in the history both of this House and of Parliament as a whole’. *HL Deb* 13 November 1951 Vol. 174 col.46. The constitutional legacy of their personal accord was confirmed, six decades later, in an HM Government paper: *House of Lords: Reform*, Cm.7027, (February, 2007), p.11.
This form of working relationship between government and the Lords certainly averted a constitutional clash, though without appeasing the class-based negativity towards the Upper House on the Labour Left. Labour ministers worried that the Lords, in the run-up to a general election due in 1950, might delay the controversial iron and steel nationalisation proposals. So, further limitations on Lords’ powers — the reduction of the legislative veto, or delay, from two years to one -- were justified and put forward. Between February and April, 1948, several high-level inter-party discussions, about how to proceed with meaningful and consensual reform of the Upper House, had been fruitless. It was recognised that the two main items on the agenda of those talks, the composition and powers, were interlocking. Yet, in the Government’s approach, there was no automatic link between them.

Mixing partisanship with genuine constitutional concern, Salisbury attacked the Attlee Government for ‘an open, blatant attack upon the liberties of the British people, who are henceforth to be deprived of an essential safeguard against hasty or irresponsible action by an extremist or...a timid or incompetent Government with a temporary majority in the House of Commons.’ He also repeated his demand for changing the Lords’ composition by infusing it with life peers and so building ‘a wise, experienced body’. On the other side, the Labour elder statesman, Arthur Greenwood argued trenchantly, in reaction to the Conservatives’ reform proposals: ‘this intense revivalism for a reformed and modernised Upper Chamber springs to life when the Tories in the House of Commons look like being deprived of some of their long-held powers.’

547 HL Deb 23 September 1948 Vol 158 col.215.  
548 Ibid.  
In her study of the issue during this phase, Olga Borymchuk emphasizes how Lords reform ‘was still discussed in a party political context and against a background of criticism of the aristocratic privilege and the hereditary right to govern’ reflecting a view of politics as a ‘struggle of party interests rather than the art of good government’. 550 This somewhat scathing verdict on the failure to introduce full-scale reform in the 1940s is convincing on one level: ‘tribalist’ rhetoric was certainly loud and intense, and did not allow for a compromise solution. Yet, by focusing on the verbal battles, with their atavistic edge, and lamenting lost opportunities to rationalize the constitution, there is a risk that its intrinsically ‘irrational’ tendencies are misjudged as too archaic to be workable. In practice, the chances of establishing a consensus behind any new reform blueprint were minimal – not solely because of ‘party interests’. Scepticism ran deep; for many politicians; the subject was hardly urgent. Neither of the major parties maintained an internally unified position.

The Labour Government’s approach deliberately avoided the question of comprehensive reform, in favour of what Kevin Manton has described as ‘the discourse of legislative efficiency’. 551 In Manton’s reading, the Labour leadership in government surprisingly turned from an earlier, more fundamentalist, critique of the Lords, highlighting its ‘unwillingness to use this constitutional power [in being able to alter the constitution itself] to affect their own often-stated desire to reform the upper house.’ 552

However, on the level of partisan manoeuvres, the 1949 Parliament Act – whose passage onto the statute-book relied on the terms of the 1911 Act – was not a

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552 Ibid., p.168.
product of a Labour government temporising or necessarily following a conciliatory line. Limiting the Lords’ powers, rather than composition, served to allay Labour political sensitivities. Beyond that measure, when outside government, Labour had the freedom to withdraw from the development of any more comprehensive reform plan, therefore not testing divided opinions in its own ranks. Eventually, as a party, it would engage in the modified – life peerage -- framework when it was established, in constitutionalist spirit. According to Ross McKibbin, an Upper Chamber ‘with a limited veto was perhaps as close to a unicameral legislature as Britain was likely to get, and Labour inclined to unicameralism’. 553

But, over a longer course of time, there had also been a hint of how political expediency might lead Labour simply to tolerate the status quo despite its condescension and contempt for the Upper House. E.M. Lloyd, in a New Statesman article in 1927, headed The Suicide of the House of Lords, wrote that he was not antipathetic: ‘it has its uses as a debating society, where a good deal of sense and some eloquence is often heard. But anachronisms must be careful of taking themselves too seriously.’ 554

There was a strain of (sometimes excessive) constitutional respect, too. Although Herbert Morrison engineered the reduction in the Lords’ delaying powers, under the 1949 Parliament Act, his comprehensive study, Government and Parliament: A Survey from the Inside, published in 1954, testified to his basic traditionalism and regard for this part of the legislature. He denied that the Upper House was ‘devoid of either importance or utility’. ‘The active members (and the great majority are inactive) include men of ability and extensive public

experience; 'debates...have a character and importance of their own and are not without their influence on public opinion and Government policy'.

Christopher Ballinger has argued that, because of 'the ownership of Lords reform by government, it is necessary for reform to gain a foothold on a government’s agenda as the first stage towards the reform itself.' But that stage, as well as those following, would not necessarily secure the full enactment of reform. There were too many complex factors in a byzantine constitutional and political conglomeration. While the Executive wields a superior power over the Legislature, much of the impetus behind Lords reform and detailed discussion of it can be attributed to parliamentarians, primarily in the Upper House itself.

Paradoxically, then, the two radical administrations of the century, in 1911 and the late-1940s, enjoyed more latitude in dealing with the Lords than their Conservative counterparts, despite the latters’ own substantial party cohort there. Indeed, all the reforms, including the introduction of life peerages, were emphatically not comprehensive in their original scope – even stripped down to a single basic provision.

As we shall see, the Life Peerages Bill required lengthy deliberation and crafting. So, rather than stressing ‘ownership’ of Lords reform by government, it might be more productive to emphasize a process of painstaking consultation and brokering of opinions among those politically interested. A Conservative government held no monopoly of ownership or control of the reform agenda. But the two Parliament Acts had left the question of the Lords’ composition on the sidelines,

curtailing its powers instead. As Conservative leaders discovered, however cautiously this reform process is undertaken, it carried a strong risk of failure, if not of demoralising futility. Whether the lack of thorough-going reform stemmed from complacency, passivity, disagreement or a deeper wisdom about constitutional mechanics remains a vital question. But how Parliament itself responded to historical change is also significant. The processes and actual outcome of that change are under examination in this thesis – through the profile and politics of the Lords.

‘If I may say so, what noble Lords opposite seem to want is to have their grouse and eat it’. -- 5th Marquess of Salisbury.  

The figure of the 5th Marquess of Salisbury dominates this particular chapter, which deals with the tortuous path towards Lords reform during the first five-and-a-half years of post-war Conservative rule, from 1951 onwards. Under his active stewardship, in his capacity as Leader of the Lords, the idea of revamping the Upper House was keenly promoted. However, that objective was not realized until after he left office – and only in a less ambitious form. Salisbury himself commands attention because he was both instrumental in guaranteeing this item of constitutional change on the policy agenda and, as a senior minister, notably failing to manage its introduction. This double-edged achievement forms the object of study here: above all, the reasons why this High Tory aristocrat attempted to transform the Lords, and why such a task defied his handling of it.  

The case of Salisbury demonstrates how such an exemplar of what might be seen as the hermetic sphere of ‘high politics’ is not clearly understood in historical terms. This chapter attempts both a more detailed characterization of this phase of his career and a placing of Lords reform as an issue in the wider political agenda, chiefly that of Conservatism. The overlay of class prejudice has made the former

557 The first part of this title refers to a contemporary polemical article, Anthony Wedgwood Benn, ‘Lord Salisbury’s Little Plot’. New Statesman and Nation, 17.12.1955.
task more difficult. Also, Salisbury’s push for constitutional reform has been rendered historiographically in a cursory or piecemeal manner. A ‘high political’ treatment, far from being partial and elevated, seeks to clarify how and why Salisbury’s efforts fit into the fuller picture surrounding the evolution of the Lords in the first half of the twentieth-century.

In the 1950s, a leading (transatlantic) Conservative thinker, Russell Kirk, observed: ‘Conservatives respect the wisdom of their ancestors...; they are dubious of wholesale alteration’. 559 Of course, the hereditary structure of the House of Lords embodied such ancestral-mindedness – and Salisbury himself was a prime representative and defender. But, interestingly, his battle on behalf of the Upper House engaged him in more than a staunch conservation campaign. He wanted to save it through reflecting change in its membership. This stand dramatized the Conservative dilemma in relation to the constitution – in Nevil Johnson’s words – where the ‘would-be protector becomes the innovator’ – or, where innovation becomes a means of protection. 560

While his ministerial colleagues took constitutional stability for granted, Salisbury felt anxious, specifically about the future of the Lords. This concern became emblematic and pressing for him, but its priority for Conservative governments was by no means assured. As previously, there were difficulties in forging a consensus behind changing the Upper House. Salisbury’s cause, Lords reform, challenged Conservative governing strategies while it highlighted the place of this parliamentary body, as well as its internal make-up. Arguably, without his advocacy – and the sense of anxiety underlying it – the Lords might have perished

through neglect or otherwise become at risk of abolition. But that very distinctive spirit of proprietorship was also a liability as part of a governing project. In short, Salisbury was pivotal, without being indispensable. By examining how he used his position to press for reform, we can trace the largely ineffectual nature of his noble intentions, as well as how he fell out of step with the demands of a more practical-minded and forward-thinking Conservative leadership.

Salisbury’s part in the Conservative governments of the 1950s might seem anachronistic: an upper-class, ‘Cecilian’ hangover from the fevered court of the first Queen Elizabeth, he survives into the very different conditions of the second Elizabethan age; a singular player in the strata of ‘high politics’ at a time when Conservative leaders were required to focus on the challenge of mass democracy. Despite the political eclipse of the aristocracy, Salisbury, exceptionally, lingered: his Times obituary later acknowledged him as ‘a patrician whose place at the centre of affairs of state came to him partly by ability and partly by right -- for the old social order still had some life in it during the greater part of his career’. 561

His stance on Lords reform marked him as a particular kind of ideological Conservative, dedicated to faith in the constitutional edifice. He felt free at times to operate above the mundane rules of compromise, through a sense of self-grandeur, as a personification of traditionalism. But he was hobbled by flawed statecraft in a task which notoriously consumed a great deal of political capital. As a consequence, he would be left on the sidelines.562

Ultimately, his attempts over many years to change and conserve the Lords were upstaged by a far more compact version of reform in 1958, an exercise which demonstrated effective statecraft, contrasting with Salisbury's shortcomings. Yet, that eventual measure did not arrive on the statute-book without a lengthy gestation; it materialized after a mainly solitary, even obsessive, campaign by Salisbury at the heart of government. The thrust of this chapter is that the collective profile of the Lords, the mechanics of reform and the wider significance of that process can be understood better by considering Salisbury's personal stance. Regardless of whatever emerged from the process, he always envisaged reform on a large constitutional canvas, central to the development of the British state. Salisbury never assumed the permanence of the Upper House: his concern, however parochial, was for what he saw as its combined dignity and efficiency.

In 1953, he would refer to the Lords' 'present impotent yet vulnerable state', as an urgent consideration for his Cabinet colleagues. As Prime Ministers with their own policy priorities elsewhere, both Churchill and Eden allowed Salisbury to develop this interest; Harold Macmillan, as we shall see, was less indulgent. Also, the nature of their administrations -- Churchill's trust in ministers, including the controversial 'overlords', who were not conventional partisan politicians, and Eden's long-term bond with Salisbury, whom he wanted to appoint Foreign Secretary, but chose not to do so because he was not an MP -- gave the headstrong peer leeway for grappling with his favourite project, Lords reform.

Despite the negligible mass appeal contained in this issue, the Conservative

563 Lord Salisbury Memorandum: ‘House of Lords Reform’. 23.3.1953. TNA CAB 129/60/14. 564 Churchill enjoyed links with the Cecil family. His father, Lord Randolph, had served as Chancellor of the Exchequer and Leader of the Commons in the government of the 3rd Marquess of Salisbury, until resigning office in 1886. The 3rd Marquess' son -- 'Bobbety's' uncle -- Lord Hugh Cecil was best man at Churchill's wedding in 1908. Churchill probably combined tones of affection and exasperation when he commented that the Cecil's were 'always ill or resigning'. Quoted, John Colville, Churchill and His Inner Circle (New York,1981), p.225. Eden explained why he did not appoint Salisbury to the Foreign Office, in his memoirs, Full Circle, pp.273-274.
general election manifestos in 1950 and 1951 made a formal commitment. The aim was ‘to reach a reform and final settlement of the constitution and powers of the House of Lords by means of an all-Party conference called at an appropriate date.’ Amongst the topics which would be considered at these talks was whether the right to attend and vote based solely on heredity should be the sole qualification for admission to a reformed House. Also, there was a pledge -- perhaps deliberately vague -- that a reformed Lords should have powers 'appropriate to its constitution' and not exceeding those specified by the 1911 Act.565 Reinforcing this policy was a high-minded Whiggishly Tory sentiment: 'Conservatives believe in the Constitution as a safeguard of liberty. Socialists believe that it should be used for Party ends.'566

Stripping away the partisan rhetoric here, the keynote appears to be assertively ideological, consistent with Philip (now Lord) Norton's view of how, for a Conservative, the Constitution is 'to be defended and protected. It embodies not only essential institutional forms, but also the understandings and, indeed, ambiguities necessary to maintain the essential balance between effectiveness and consent that underpins political stability.' 567 Salisbury was a prime mover as a constitutionalist, until his resignation from office, early in the first Macmillan Government (in protest against the release from detention of the Cypriot nationalist leader, Archbishop Makarios), becoming instead marginalized and embittered.

As a result, his historical reputation falls well short of his actual public standing as a serving minister, even appearing quaintly irrelevant. In the aftermath of the era of noblesse oblige, Salisbury can be an easy object for lampoon or

566 Ibid.
condescension. The case against him leads with a charge of personal stupidity, however euphemistically expressed. For Max Hastings, this ‘notably uncerebral’ man ‘inherited the Cecil family’s trait of regarding its own welfare as the principal purpose of politics’—in the process, giving ‘hereditary governance a bad name’. 568 Meanwhile, Richard Vinen judges him as ‘a self-consciously unintellectual figure with right-wing opinions and a pronounced lisp’. 569

Salisbury’s aristocratic image, then, is often distorted, either magnifying or belittling his actual stature, through deference or some kind of inverted snobbery. While in office, he was acknowledged to possess the family traits of ‘subtlety and equivocation which have, since the days of Burghley, kept the Cecils where they still are -- in the antechambers of power’. 570 But that trademark lisp, as well as a self-appointed role as a ‘king-maker’, overseeing the selection of a new Conservative leader and Prime Minister, in 1957, entered the repertoire of much-quoted anecdotage, through his senior Cabinet colleague, Lord Kilmuir’s, account of Salisbury asking ministers to state a preference between R. A. Butler and Harold Macmillan. ‘Well, which is it, Wab or Hawold?’ 571 In fact, without any formal leadership election mechanism, it was not out of place for a senior minister, who held no ambitions for the top job himself, to take an overseeing role.

569 Richard Vinen, National Service: A Generation in Uniform, 1945-1963 (2015), p.365. Vinen speculates that Salisbury’s aunt, Lady Gwendolen Cecil, might have been thinking of him when she wrote that the ‘general mediocrity of intelligence which the family displayed was only varied by instances of quite exceptional stupidity’. Ibid. Yet, besides the fact that Salisbury was then (1921) at an early stage in his career, it is more likely that she was looking at why the Cecils had been politically obscure for more than two centuries, before the Victorian period. In 1961, Christopher Hollis observed that the eminent 3rd Marquess owed his ability ‘to a very remarkable but plebeian mother. Aristocracy is often not at all a bad form of government provided that peers are careful to marry beneath themselves.’ Hollis, The Conservative Party in History, p.218.
Yet, such an episode has only inflated the strange misconceptions surrounding this patrician figure. Beneath the image of a dynastic amateur, alternating with that of stealthy wire-puller, lies a more complex, even somewhat contradictory, politician and power-broker. Capable of pragmatism, as well as doggedly-held principle, he could demonstrate crassness and a fixated outlook, but also a sense of diplomatic responsibility.

His earlier resignation, as a Foreign Office minister in 1938, together with his closest political ally, Anthony Eden, in protest against the Chamberlain Government's appeasement policy, helped to solidify his credentials. He was steeped in the parliamentary system, its codes, rituals and meanings. Although he had earlier served as an MP, and retained some personal support in the party's constituency associations, Salisbury was far from being a natural democrat; he cultivated acquaintances with peers, rather than with Conservative back-benchers in the Commons.572 This sense of an exclusive power-base made for a lopsided authority, pivotal in one House, but almost null in the other. Social kudos did not automatically translate into political prowess. An even-handed contemporary view of him doubted his wider popular appeal, but recognized his stature in the sphere of 'high politics':

Lord Salisbury is a shrewd politician. Within his chosen limits he has excelled. In the House of Lords he has established a complete mastery. The Labour and Liberal peers admire him, the Conservative peers almost worship him. They regard him as the protector of their hereditary rights, the interpreter of their inmost thoughts or (where these are absent) feelings. 573

A shop-steward for hereditary peers, a tireless custodian of the institution, well-practised in the arts of power yet also a somewhat unworldly figure in the

572 Lord Glendevon cited an episode which cast light on Salisbury's negligible political authority in relation to Conservative MPs. When he challenged their support for independent television: they 'did not welcome his words, especially when he deployed the double-edged weapon of the theory of the mandate'. Glendevon, '5th Marquess of Salisbury', ODNB.
political maelstrom: Salisbury displayed all these guises. Regardless, the ebb-tide on which older aristocratic power receded would eventually threaten political redundancy.

According to one prominent historian of Conservative politics, being either an 'intellectual' or the opposite was subordinate to the 'many public decencies and moral virtues to which Conservatives subscribe and which the Conservative party will claim a share in defending.' 574 But there are differing styles behind that kind of defence. Salisbury’s idiosyncratic position in office becomes bound up with issues of class, ideology, constitutional propriety and political nous. A useful reminder about the need for a rounded picture comes from the biographer of three successive Conservative Prime Ministers. D.R. Thorpe, has commented that Salisbury 'remains the great unfilled gap in modern British political biography'. 575

An old-fashioned High Toryism inflected what David Goldsworthy describes as Salisbury's 'deeply traditional' approach, devoted as it was to institutions, such as monarchy, the church, country and empire, all 'emblematic of order, hierarchy, and national pride'. Goldsworthy makes a plausible case for linking Salisbury's anti-appeasement line in the late-1930s with his later unease about a post-war malaise: a show of 'weakness at the core: a failure of British resolve'. 576 However, on a different level, we can identify Salisbury's backing for notions of a Tory property-owning democracy, as well as the modern aspect in his responsibility, as Lord President of the Council, for civil atomic policy, which also brought the unusual accolade -- an honorary bauble -- for a non-scientist, in winning a fellowship of the

574 Maurice Cowling, 'Intellectuals and the Tory Party'. The Spectator, 8.3.1968.
576 David Goldsworthy, '5th Marquess of Salisbury', ODNB.
While Salisbury's main focus was on the sanctity of the time-worn constitution and how it might be best protected, the rationale of Conservative government centred on different means and ends. Following the party's return to office in 1951, attention was mostly directed to policy issues of greater popular concern: the economy, industrial relations, housing and, in its own place, foreign policy and decolonization. This earth-bound perspective was summed up by Churchill himself, who avowed that the Conservative Government's programme must be 'houses and meat and not being scuppered'. The returning Prime Minister's role was one of presiding, 'exalted and non-partisan', over his administration -- as Anthony Seldon puts it -- and providing 'a broad and protective umbrella under which the Party could adapt itself to the problems of being in power.'

Churchill's extended career reached back to membership of the Liberal Cabinet during the confrontation with the Lords in 1909-1911, and he had continued to dabble in constitutional thinking. But, without firm ministerial backing for reform in the early stages of the Churchill Government, Salisbury was obliged to be

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577 John Charmley illustrates how Eden's prominent speech on Tory property-owning democracy at the party conference in 1946 actually followed on from an exchange between him and Salisbury (then Cranborne). The latter wrote that 'in an 'unrestricted political democracy' it was no longer enough to expect the voters to accord due deference to the supposedly superior wisdom of the traditional ruling elite'. Quoted, Charmley, A History of Conservative Politics (Basingstoke, 1996), pp. 125, 127. For Salisbury's ministerial role in the field of science, see Lord Todd's obituary tribute in Biographical Memoirs of Fellows of the Royal Society, Vol. 19 (December 1973), pp.621-627.


580 His ambivalent view of the Lords across his entire career is portrayed in Kevin Theakston, Winston Churchill and the British Constitution (2004), Chapter 2, passim. In his own right, Churchill declined a peerage, becoming the sole figure in his 1951 Cabinet who never joined the Upper House.
circumspect, reacting to opinion within the chamber, but certainly not endorsing any initiatives by back-bench peers. Among these was an attempt by the former Lord Chancellor, Viscount Simon, who signalled that he wished to introduce his own legislation -- not a comprehensive reform proposal, but allowing for the creation of up to ten life peers each year. *The Economist* regarded Simon’s strategy as 'an ingenious route through the bog that surrounds the issue of reforming the House of Lords'. And an editorial in *The Times* commended Simon’s proposal as ‘an innovation required to adapt the House of Lords...to the climate of contemporary political thought’ -- and recognized, amongst its virtues, that a stipulated limit in the number of annual creations would prevent any possible mass engineering of the House’s membership by an unscrupulous government'.

Salisbury’s proprietal control of Lords reform was evident throughout. Peter Raina has commented that he 'always watched anyone who dared to put forward ideas for reform ... with suspicious vigilance. It seems ... that he regarded the shaping of the House as wholly his own province of action'. Yet Salisbury probably also feared that any small-scale change could forestall what he was convinced was the necessity of more sweeping reform, though as Leader of the House he had not yet defined its scope.

The debris of so many impractical or unpopular schemes over four previous decades contained their own cautionary tale. They included those of Salisbury’s father, the 4th Marquess, from inside the Baldwin Government and later as a back-bench peer. The subject of Lords reform remained one where pious aspirations met

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583 If the Government were to bless Simon’s Bill, ’...we should all have to recognise --- whatever the merits or demerits of the Bill --- that no further action on this question...would be contemplated for the immediate future.’ Salisbury: Note for the House of Lords Reform Committee on Lord Simon’s Life Peers’ Bill, 28.5.1953. TNA CAB 130/86.
the constraints of practical politics. The 4th Marquess maintained his own advocacy of this issue until his death in 1947. (His son was given a peerage in his own right before his succession to the title.) In 1943, the 4th Marquess had highlighted the fragile balance in the Constitution. Although the 1911 Parliament Act had presented 'a great shock' to its traditions, the worst fears of the Lords’ defenders had not been realized. The 4th Marquess wanted an 'evolutionary' approach to reviving the Upper House, which would hopefully introduce life peerages, for the sake of stability:

The members of the House, or a large proportion of them, must have grown up in its traditions and must be responsible to no electoral exigency but only to their own sense of public duty and their regard for the considered convictions of the people. The hereditary principle therefore as it actually works in the present day and embodies this attitude cannot safely be abandoned though it should be qualified and supplemented.

'The hereditary principle', declared the 5th Marquess, soon after the start of the post-war Churchill Government, in an echo of his father's concern, 'is to-day very much on its trial'. He was addressing Conservative peers, lamenting their growing tendency to stay away from Westminster, with the visible effect of 'long lines of largely empty Government benches'. So, in the Salisbury family mentality, preservationist action on behalf of the Lords would necessitate structural change. An anonymous parliamentarian in this period claimed (perhaps with a hint of mischief) that the Cecils 'must be regarded as crypto-radicals on this subject'.

As Kevin Manton has written of the 4th Marquess’ brother, Lord Hugh Cecil

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584 In another token of their shared, sometimes conspiratorial approach, father and son had organized the Watching Committee, which brought together anti-Chamberlainites in the early stages of the Second World War.
585 4th Marquess of Salisbury, Memorandum on House of Lords Reform, 17.4.1943. Salisbury (5th Marquess) Papers, Hatfield House, Box E.
586 Salisbury to Peers, 24.1.1952. Salisbury Papers Box H.
(later, Baron Quickswood) – the sometime Conservative MP and author of the trenchant book, *Conservatism*, first published in 1912 -- ‘constitutionalism was not a political device: it was the political purpose’. Manton’s interpretation is apposite here, also being applicable to the less philosophically developed belief-system of Cecil’s nephew, the 5th Marquess – especially so in the way that Manton needs to square Cecil’s innate conservatism with his longstanding commitment to overhauling the Lords. When Cecil’s advocacy of Lords reform is considered, Manton argues, ‘it is seen as an anomaly, something inexplicable given his deep-rooted conservatism’. 588

The grey eminence behind this entire family concern with the Upper House was, of course, the 3rd Marquess, whose notions, including the controversial referendal theory, which envisaged the Lords effectively upstaging the Commons, predated both the constitutional crisis of 1909-1911 and the coming of full democracy. 589

Like his magisterial grandfather, Salisbury nurtured his own ideal constitutional model. On several occasions, his dicta on the subject gave a glimpse of what he thought and what he wished for: ‘a wise, experienced body, able to throw its weight against extreme action either by the Right or by the Left’; 590 the hereditary tradition in British life was ingrained, but this had actually allowed the Lords to ‘become a Senate, which … has become enriched, generation after generation, by the most eminent and distinguished men of the day.’ 591

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589 For a full exploration of the 3rd Marquess’ position and legacy, see Corinne Comstock Weston, *The House of Lords and Ideological Politics: Lord Salisbury’s Referendal Theory and the Conservative Party, 1846-1922* (Philadelphia, 1995). According to this theory, it was the Lords’ ‘constitutional duty to refer measures to the electorate for its decision’ whenever it was felt that the Commons ‘lacked a mandate for the proposed legislation…With high energy and maturing political skills, Salisbury undertook to cement a firm alliance between the authority of an aristocratic, hereditary house and the popular will’. Ibid., pp.1, 2-3.
the belief in the Lords as an idealized Council of State endured: the chamber commanded widespread public respect, he maintained, ‘because we are regarded ... as being actuated by a broad spirit of moderation, combined with wisdom, statesmanship and common sense.’ 592 And, significantly as a constitutional precept, he set the function of the House as 'not to contravert, to thwart or to flout the will of the people ... nor even to interpret it, but to allow time for the people to form and to express their own view.' 593 So, this last point can be seen, like his accommodation with Addison in the 1940s, as a conciliatory winding back from his grandfather's high-handed view of lordly power. Yet it might still appear to exaggerate a somewhat anachronistic and patrician gesturing.

Salisbury’s statesman-like pronouncements tended to have an idiosyncratic, even improvisational, quality. And, for someone stubbornly advocating reform, this idealism was not likely to provide the basis for consensus. So, a lack of statecraft in managing the reform process stemmed from the brittle, if not self-important, conception of the Lords’ significance. For example, descriptions of the Lords as a 'Council of State' -- i.e., above the partisan fray -- seem to be a means of justifying and dignifying a role rather than anything definitive. Also, paradoxically, an elevated place for the Lords as a forum above controversy could itself provoke partisan argument and mistrust. 594

Salisbury’s diagnosis of malaise was shared with his friend, the former

592 Ibid., 27 January 1953 Vol.180 col.11. He would maintain this belief, against the grain of party politics, though recognizing it afterwards as having been held ‘perhaps rather smugly’. HL Deb 04 July 1966 Vol.275 col.874.
593 Ibid., 25 November 1952 Vol.179 col.552
594 In some quarters of the Left, the idea was anathema, dating back at least to Ramsay MacDonald’s decision to head the National Government in 1931. Harold Laski later derided the constitutional rationale behind a Council of State -- 'in which the Opposition co-operates with the Government for the common good ' as facilitating 'the one-party state', and destroying 'the essential virtues of Parliamentary democracy, which rests, above all, upon the full freedom of constitutional opposition'. Laski, Reflections on the Constitution (Manchester, 1951), p.78.
politician and now influential political thinker, Leopold (L.S.) Amery. Amery had found a wide audience in his lectures, *Thoughts on the Constitution*, first published in 1947, then regularly reprinted. He tended to agonize over the pressures facing the constitution, using the metaphor of arteries, which had so far adapted themselves to the challenges of history: 'How can they be made to stand the more intense strains of the near future without a complete breakdown ending in violent revolutionary change or in progressive paralysis?'

Despite his deep-veined Conservatism, Amery differed from Salisbury in a vital respect, over maintaining the hereditary principle in the legislature. As we have already seen, Amery had long argued for the use of life peerages, believing that the hereditary variety had become outmoded because wealth, nobility and inherited position did not necessarily fit together any longer. Also, Labour involvement in the Lords -- overwhelmingly outnumbered as it was by Conservative peers: -- needed encouragement:

It suits a Left Wing Government to have an Upper House which not only lacks power, but whose political complexion is so suspect that it dare not exercise the powers which it has got for fear that even those powers may be still further reduced, or finally swept away. A Conservative Government tends to be content with the immediate convenience of a sympathetic Upper House and, in the press of urgent business, to postpone reform till too late. Nor is there, in present circumstances, much hope of an agreed solution.

Amery’s diagnosis remained broadly accurate throughout most of the 1950s. In February, 1953, Churchill offered the Labour Opposition the opportunity of negotiating a settlement on Lords reform. Attlee, as leader, rebuffed this offer,

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citing the previous breakdown of talks and irreconcilable differences. The party felt no urgency whatsoever about reform -- either or both because of an unwillingness to revive the Upper House, and sheer conservatism, with a small ‘c’, as generally identified on constitutional issues by Peter Dorey, emphasizing a striking irony:

While Labour has invariably been depicted by its Conservative opponents as being imbued with dangerous elements of dogmatism and radicalism, and thus repeatedly charged with posing a threat to the British political system and ‘a thousand years of history’, the reality has been that the Party has frequently displayed an almost ostentatious obsequiescence towards the political institutions and procedural norms which collectively and cumulatively comprise Britain’s constitutional framework.

In the mid-twentieth-century, Lords reform revolved around political values, as well as how that very process of constitutional reform was conducted. On his own party side, as he considered how to transform the Lords, other leading Conservatives found the apparently endless search for a solution to be the bigger problem, divisive and intractable, or just irrelevant to a party of government. In terms of the ideology of Conservatism, an overriding feature – in Robert Eccleshall’s view – is how it ‘is riveted in a continuing effort by established elites to generate confidence in the prevailing structure of power’. So, disagreements about the scope of constitutional reform exposed the blunt realities about how much political capital was needed to be invested in the enterprise, with a weighing up of risks and benefits.

As Peter Catterall has noted, reconstituting the Lords could ‘involve great and unpriced consequences’-- in other words, any plan to change the composition might

597 The brief exchange between the two party leaders was recorded and published in the following year by Herbert Morrison, in his Government and Parliament, p.191.
598 Peter Dorey, The Labour Party and Constitutional Reform: A History of Constitutional Conservatism (Basingstoke, 2008), p.347. An alternative view of Labour as more active in constitutional reform has been put forward by Miles Taylor. Taylor, ‘Labour and the constitution’, in Duncan Tanner, Pat Thane, Nick Tiratsoo (eds.), Labour’s First Century, pp.151-180 (Cambridge, 2000). He spotlights what he sees as Herbert Morrison’s innovative and reforming tendency, subject to the ‘test of legislative efficiency’ as ‘the ultimate consideration’. Ibid., p.166. But this interpretation possibly confuses what was a finite agenda of paring reform measures with a vision of recasting the constitution. It is easier to demonstrate Labour’s commitment to the former than the latter.
well have a bearing on its powers and the vital constitutional co-existence with the
democratic mandate of the Commons. Stanley Baldwin, who had failed to see
through the issue of reform, concluded that it was 'the most difficult one in politics',
leaving a strong impression that it would be best avoided altogether.

Salisbury's latitude in pursuing reform faced constraints not only on account of
his Cabinet colleagues' reluctance, but also a lack of enthusiasm from Conservative
hereditary peers, who normally formed a flank of reliable party support. Their attitude
was one which he carefully noted. An indicative example was a detailed
communication (contained in Salisbury's official parliamentary papers) sent by Baron
Rochdale to Lord Teynham, the chairman of the grouping of the Association of
Independent Unionist Peers, which functioned as a body of Conservative opinion.
Rochdale wrote that it 'would not be difficult to argue in favour of leaving the House
of Lords as it is'.

Salisbury’s four-page memorandum to his Cabinet colleagues, in March,
1953, gave the broad outlines of various schemes for reform. Yet he could not
escape a certain tortuous logic. If the Government embarked, he wrote, on 'an
elaborate scheme (i.e., one not presented in the memorandum), involving the
carefully balanced representation of this or that sphere of public life, I am quite sure
that we shall never get agreement even in our own party. The greatest possible
simplicity is the only hope.' Despite his wilfulness, then, Salisbury was aware of
the pragmatic imperatives. Three years later, still waiting for reform, he accepted that
'complicated schemes, with representatives from this, that and the other sphere of
our national life, would only arouse the maximum of controversy, even among

601 Quoted, Lentin, The Last Political Law Lord, p.208.
602 Baron Rochdale, Some Notes on The House Of Lords. Sent to Lord Teynham, 15.3.1954.
603 Salisbury Cabinet Memorandum, House of Lords Reform, 23.3.1953. TNA CAB/129/60.
supporters of reform, and render agreement virtually impossible.'  

Yet the irony was that the possible solutions mooted by Salisbury did not appear to be particularly straightforward, unlike Simon's pithy proposal which helped to set the basis for the eventual change. For example, in order to reduce the number of hereditary peers, Salisbury favoured an extension to the Lords as a whole of the method by which Scottish representative peers were elected by their own group at the beginning of each Parliament. 'The selected peers could be of any age, old or young, and they need no special qualifications except selection by their fellow peers.'  

This would yield between 100 and 150 representative hereditary peers, against roughly the same total of Life Peers. Salisbury also acknowledged that the need to tackle the problem of the 'backwoodsmen' was urgent. They were, he maintained, 'in the eyes of the public, the greatest weakness of the House'; he felt that their continuing right to attend was indefensible.'  

Following the Labour Party leadership's rejection of Churchill's invitation to a conference on Lords reform, the Cabinet decided to establish a high-ranking committee of ministers, under Salisbury's chairmanship, in order to discuss the mechanics of taking the issue forward. However, from the outset, there were concerns that the committee was too large --- according to C.A.L.Cliffe, on its secretariat. Also, if it was designed as a means of harmonizing or fixing senior Conservative opinions over the issue, the committee failed to achieve it. Instead, it became a strategic platform for diffuse and dissenting points of view.

The most penetrating voices of scepticism on the Reform Committee

604 Paper by the Lord President, 21.3.1956 FO 1109/350.
605 Ibid.
607 Cliffe to Norman Brook, 16.4.1953. TNA CAB 21/4252.
about the schemes suggested by Salisbury, were Duncan Sandys, the
Minister of Supply (and Churchill’s son-in-law) and the fast-promoted Minister
of Health and former One Nation Group member, Iain Macleod. Sandys
questioned whether a reformed body, composed partly of nominated life
peers, partly representative hereditary peers elected among themselves, 'will
in the long run prove satisfactory or acceptable to public opinion'.

For his part, Macleod doubted whether the mooted reform schemes,
however logical, would necessarily achieve a more effective House of Lords.
He emphasized the total lack of interest in the country at large about this kind
of constitutional issue. Macleod -- who would become associated with
modernization, most notably in support of decolonization, a taboo subject for
Salisbury -- recognized that his indifference to Lords reform made him seem 'sadly
reactionary'; he felt no anxiety about the existence of backwoodsmen: 'Whatever can
be said about the logical absurdities of the House of Lords, it meets the ordinary test
that we apply to our constitution: it works.'

Macleod’s aversion to constitutional change belonged more to the Tory
mainstream than Salisbury's fervour for it. In this way, the opponents emphasized
statecraft considerations, reinforced by tactical *nous* and awareness of the nullity of
Lords reform as an electoral issue. This notion of statecraft was well drawn by Jim
Bulpitt, in relation to a later generation of Conservative rule, revolving around
electoral success and governing competence: ‘It is not synonymous with, though it
may be related to, pragmatism or expediency. It is concerned primarily to resolve the
electoral and governing problems facing a party at any particular time. As a result it
is concerned as much with the ‘how’ as the ‘what’ of politics.’ In this connection,
Salisbury's tendency to worry at the constitution risked becoming itself a cause of
anxiety for his colleagues; they believed that the constitution operated efficiently

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608 Sandys to Salisbury, 1.10.1953 TNA CO 2/5215
609 Macleod Memorandum to the House of Lords Reform Committee, 6.11.1953. TNA CAB 130/86.
enough without being plunged into partisan feuding.

Another sceptical reaction came in an internal party analysis -- by George Christ, of Conservative Central Office -- which was then forwarded to Salisbury by the government Chief Whip in the Commons, Patrick Buchan-Hepburn. Christ took a firm modernizing stance, impatient both with the traditional nature of the Lords and the emphasis on elaborate schemes for preserving it as it was. He complained that Conservative policy had traditionally contained 'a strong undercurrent of mistrust of the people'. This mood, in his opinion, even included constitutional reforms, which 'have too often been seen with misgiving as a crumbling of defences essential to the party's survival'. Christ's broadside was brutally direct. Far from being an attack on the Upper House itself, he sought greater awareness by the Conservative Party of its changed position in what was now a democratic political culture:

...a House of Lords with a permanent Conservative majority is useless: it is a defence we don't need when in office, and a weapon we don't use when in Opposition. As a bulwark against revolutionary changes, it would prove as futile as the Maginot line. ⁶¹¹

After an inconclusive interim report, Salisbury told the Cabinet, in November, 1953, that there would be 'informal and confidential consultations' with leading members of the Lords. According to the official Cabinet record, Churchill acknowledged that cross-party agreement on reform seemed unlikely. Even more pointedly, the Prime Minister said that there was a 'real risk' that the search for such an agreement 'might have the effect of weakening a structure which would otherwise have continued to bear a useful weight for another generation or so.' ⁶¹²

Beneath the official record, the Cabinet Secretary's handwritten notes of

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⁶¹¹ Paper on House of Lords Reform' by Mr. Christ, 1953. Salisbury Papers, Box F. 112. This carried echoes of Abbe de Sieyes' well-known remark: 'If a second chamber dissents from the first, it is mischievous; if it agrees it is superfluous'. Significantly, Christ later became Harold Macmillan's speechwriter when the latter was Prime Minister. Macmillan said of him: ' "This man has real genius".' Alastair Horne, *Macmillan: The Official Biography*, Vol. 2 (Basingstoke, 1989), p.150.

⁶¹² Cabinet Conclusions, 5.11.1953. TNA CAB/128/26/ 114.
this discussion reveal the tensions between Churchill and Salisbury over reform. The Prime Minister’s expression about the unlikelihood of an agreement on ‘a fancy H/L’ is telling. He described the Upper House as a ‘creaking, but nevertheless magnificent & ancient, instit[utio]n, which was nowv[ery] popular--- as it wasn’t’, and so it was ‘dangerous to bring it into acute controversy’. Ultimately, a more level-headed approach had to negotiate a way through popular politics, high politics, the government’s legislative agenda, constitutional continuity or renovation, ideology and commonsense.

Despite the discouragement, prospective reform by no means vanished as a policy topic. Sir Charles Hendriks, whose post as Private Secretary to the Leader of the Lords since 1935 gave him constitutional expertise, was able to provide Salisbury with the ballast behind reform suggestions. Hendriks shared Salisbury’s fear that, without its deliberative role as a grand debating chamber, the Upper House might become redundant. There was also convergence of belief in the process (described by Hendriks in an extended memorandum to Salisbury, in June, 1954), by which the Lords was moving from an ‘assembly dominated by party interests into something approaching a Council of State, where mere party considerations were so far subordinated as to ensure the fair reception and examination of proposals brought before it’.

Hendriks examined both the theory and practice of the Lords in fastidious manner. But, for that very reason, the policy objective was marooned, as if it drew inspiration from Salisbury’s grandfather, but could not adequately plan for the practical politics of the 1950s:

We seek to restore authority to the Second Chamber so that, in the event of the House finding it necessary to take a stand against the popularly elected Chamber upon some major political issue, its view shall command attention and impose

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613 Cabinet Secretary’s Notes. 5.11.1953. TNA CAB/195/11.
614 In a personal tribute in the Lords, after Hendriks’ death in 1960, Salisbury referred to him as ‘so close a friend and so wise a counsellor’. HL Deb 02 February 1960 Vol. 220 col.785.
restraint. It will then certainly make the Commons think again and may eventually lead to a direct reference to the electorate. 616

Constitutional doctrine and parliamentary image were entangled, an awkward dilemma for Lords reformers; the elaborate thinking lacked realism or straightforward practicability. If he were to be effective, Salisbury would require consensus in the political environment. Any elder statesman aura or reputation did not grant him autonomous rights to construct policy. It was at the Cabinet that he sought, and received, authority 'to take the line that the composition of the House of Lords should be reformed before any alteration was made in its powers', so limiting any prospective measure to the question of composition alone. 617

Yet, as demonstrated many times over, even what appeared to be matters of simplicity turned out to be tantalizingly difficult. A Labour opponent, Anthony Wedgwood Benn -- who, as an MP, was seeking ways to head off his automatic succession to his father's viscountcy -- credited Salisbury with an ingeniously incremental strategy to strengthen the Lords, though he was also well aware of the obstacles on the Conservative side. Benn believed that, despite the many problems, Salisbury 'has hit upon a plan which professes to be simple, politically attractive and which sidetracks all the obstacles that have prevented a change in the past.' 618

However, Salisbury's plans, far from trumping his opponents, were unwieldy. He drew up broad principles for membership of a remodelled House -- at first glance, not too much of an upheaval, despite allowing for women and the inclusion of non-hereditary peers. 619 Nevertheless, one of the biggest outstanding problems was

616 Ibid.
618 Wedgwood Benn, 'Lord Salisbury's Little Plot'.
619 Attachment to Paper by the Lord President, 21.3.1956. op.cit. In his designated Draft Plan, based on consultation and submitted to his senior colleagues, Salisbury recommended limiting the total number of eligible peers: 400, including 250 elected from the body of hereditary peers, and 150 'Nominated Peers of Parliament'.

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how to maintain the hereditary principle during such restructuring.

There is a clue in Salisbury’s Cabinet paper to the rumbling discontent among Conservative peers, whose representative body, the I.U.P., were, 'I must say frankly, still rather apprehensive of anything that appeared in any way to impinge upon the hereditary system.' But Salisbury told them that he 'could not recommend anything much less than this' to his colleagues. When the official paper was reproduced, though with extra, updated comments, in a memorandum just a few weeks later, this particular aspect of the reform plan had encountered 'considerable opposition' from both back-bench peers and MPs, who were critical of the elective element -- 'very restricted, and it might be argued, so very biased in character'. 620

At times, Salisbury appeared to be a self-conscious modernizer. He told the Cabinet of an encounter with a diehard peer who was set against any dilution of the hereditary principle. Salisbury observed to him that '“you might as well say you believed in divine right of Kings”' -- at which, the peer replied: "But I do believe in divine right of Kings"! 621 When the subject reared up yet again at Cabinet, Harold Macmillan (then Chancellor of the Exchequer) declared, as if laying down guidelines:

Hereditary right to govern is outmoded & indefensible.... Wide support for principle of life Peers. Much to be said, nowadays, for not app[oin]t[in]g. any more hereditary peers. Principle of allow[in]g. h.[hereditary]Peers to choose 50% of H/L won’t be accepted by public opinion. I w[oul]d.therefore legalise life Peers and proceed to act on it. 622

Later, Macmillan told his colleagues that, in creating life peers, as a means of 'honouring merit and achievement', and leaving new hereditary creations as a rarity, the composition of the Lords ‘would change over the years by a process of gradual

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621 Ibid.
622 Cabinet Secretary’s notes, 26.7.56. TNA CAB 195/15/17.
evolution’. 623

Salisbury’s espousal of reform had, once again, been subjected to discordant and dissenting opinions both in Parliament and the Cabinet. In this light, R.A. Butler gave a gnomic response to a Labour MP who asked for the details of the Government’s promised plan for Lords reform: ‘...we have plenty of ideas, but I am not in a position to announce the proposals of the Government’. 624

Within the Eden Government, equivocation and delay over this policy issue were manifest; consultations continued. Soon, anyway, Suez would overwhelm it, and precipitate the Prime Minister’s departure. Macmillan's vehement disapproval of Salisbury’s schemes inevitably brought the two men -- relatives through marriage – into conflict. Temperament compounded differences over statecraft. Salisbury appeared inflexible and perhaps not sufficiently astute to bridge what had become a chasm. Within one day of forming a government in January,1957, Macmillan received an insistent letter from the Leader of the Lords on the subject of reform. The Marquess pointed to it as being his sole rationale for staying in office: ‘... if I leave the Lords stronger in their influence than I found them, I feel that I shall have achieved something.’ 625 This would not have accorded with Macmillan's priorities. But, within three months, Salisbury resigned from office – though over the unrelated issue of the Government’s release of Archbishop Makarios from detention. It epitomised a major difference over the decolonization process.

The exit of this grandee and supposed Conservative 'king-maker' was newsworthy. The Daily Express declared: 'he owed his power partly to his name and

623 Cabinet Conclusions, 8.10.1956. TNA CAB/128/30/293.
624 HC Deb 04 June 1956 Vol.553 col.706.
partly to his capacity to feel strongly and even passionately about public issues'. Yet, being high-minded proved disadvantageous for Salisbury. On a personal level, Simon Ball -- whose account of their long, chequered friendship has the quality of psychodrama -- sees Macmillan at the outset of his premiership as taking care to isolate Salisbury. Contrary to the estimation of him as a resourceful grandee at the centre of power: 'In Macmillan’s view, he was useful in the Cabinet only as a figurehead, a sort of badge of authenticity that this was still a government of ‘sound’ men. He had made it quite clear that he had little use for his advice.'

Salisbury's exit did not have the effect of jettisoning Lords reform, but, instead, removing an obstacle -- or, as Macmillan privately expressed his general reaction on behalf of the Cabinet, getting 'rid of an inflamed tooth' Now reform could be streamlined in order to garner support in Conservative ranks. The more amenable Earl of Home, who took over as Leader of the Lords, reversed his own earlier support for comprehensive changes. He told Macmillan that he was unsure how Salisbury could have won the support of hereditary peers -- and he felt even greater doubts about Conservative backbench MPs; several Cabinet colleagues, too, 'do not much care for so sweeping a reform'.

Home's less ambitious suggestion centred on the introduction of life peers, a change which, significantly, was in line with Macmillan’s thinking. This diplomatic

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626 Salisbury Walks Out’. Daily Express, 30.3.1957.
approach proved effective, contrary to Salisbury’s method of increasing pressure and standing out against doubtful Cabinet colleagues. But, as this new exercise in pragmatic reform was taking shape, it left uncertainty about how Salisbury -- later described by a fellow-peer as 'not a man who could be influenced by fear or favour' -- would react. 630

Limited reform was bound to disappoint, if not antagonise, him. When the proposals came up for debate in the Lords, he described them as ‘sadly inadequate’, though he did make clear that he would support the Government for, at least, being prepared to go this far. 631 By holding back from more sweeping reform, the government was castigated for ‘putting in jeopardy not only the hereditary system, to which many of us attach importance, but, what is even more important, the whole basis of the bicameral system, which is, as I see it, the only protection a country like ours, with an unwritten Constitution, can have.’ 632

It was evident now that the Marquess’ power and influence were much diminished; the ingrained habit of putting forward his own proposals needed an outlet on the letters page of The Times. 633 Salisbury’s notion of selecting from existing hereditary peers followed the broad principles of his earlier concepts of internal reform. But by this stage of attempted reform -- after ‘fifty years on the job’,
as Home put it -- his Casandra-like warnings of constitutional doom went unheeded and unrealized. 634

If Salisbury’s political prominence, until 1957, had derived from a certain mystique, feeding off a residual social deference topped by awe at the ‘Cecilian’ legend, its end brought an anticlimax. He was not -- quite -- the last of the aristocracy in power: Home would later become Foreign Secretary and Prime Minister. Yet there was a fundamental difference between the two men: Home effectively positioned himself in the mainstream of governing Conservatism, while Salisbury, guided by a strong sense of social entitlement, cleaved to his version of Lords reform, as well as the increasingly lost cause of Empire loyalism. Skills of statecraft were secondary to a nobler vocation.

Writing about the various characters across two generations of the Cecil family in the twentieth century, Kenneth Rose attempted to analyse a common set of flaws:

Their failure to leave an imprint on the course of events was partly a matter of temperament. They spurned all those political artifices which lie easily on the consciences of practical men, all those half- truths essential to the exercise of parliamentary democracy. They preferred to denounce rather than to persuade, to resign rather than to compromise. 635

These personal tendencies were clear in Salisbury’s individualistic style. Yet a verdict of outright failure does not altogether do justice to his record, his serious

634 HL Deb 03 December 1957 Vol.206 col.608.
purpose, nor recognize the virtue in some of his insights. On Lords reform, his perseverance helped to keep the subject on the policy agenda, but it also alienated colleagues whose co-operation would be essential, so under-cutting the chances of success under his tutelage.

The engine of reform stalled and spluttered. Although he strenuously objected to how it was made to work after being streamlined following his ministerial departure, the true measure of its success could be established in terms of his own original aim: the survival of the Lords, and, indeed, a new lease of life for the House. Salisbury, the inveterate plotter, had misjudged the changed politics of the 1950s, as well as the requisite tactics: how the Conservative defence of the constitution needed to be rendered lightly in order to offset any perceived strengthening of sectional interest within the Upper House; traditionalist ideology, like the hereditary principle itself, would be less prominent and less palpable in modern Conservatism.

Salisbury’s vehement attempts to embed the Lords in the constitution of the state carried the risk of becoming counter-productive. In subsequent years, the loss of Empire would leave Salisbury politically hollowed out and estranged from the Conservative Party. But the House of Lords did continue, along the broad lines that he wished for, as a deliberative parliamentary body -- if not as a Council of State.

His own patrician status had guaranteed his place in the Conservative hierarchy as a principled believer; it also ruled out any opportunity, had he wished for
it, to be a standard career politician. Having invested personal ambition in causes rather than self-advancement, he lacked the tenacity in office and sheer guile that were essential to realizing his beliefs, particularly when the ideological tide was against him. Yet Salisbury was no stock reactionary. Maladroit rather than unintelligent, he fell victim to those fading myths of grandeur that had previously sustained him in power.

Throughout this study of an intensely committed aristocrat whose vocation was grounded in the Lords, it is vital to see the wider context for Salisbury’s manoeuvres. There are themes in the personal narrative which illuminate the subject-matter and arguments carried within this thesis as a whole, going beyond the parochial limits of an easily caricatured understanding of ‘high politics’. As in every facet of the research into an ‘irrational’ but operational Upper House, offered here, Salisbury’s quest for reform touches on the internal nature and politics of this parliamentary body.

The proposals for specific constitutional change were not formulated or reacted against in a vacuum. Any suggested remodelling of the Lords was, by default, highly politicised – so making it controversial and sometimes even fraught, sparking party divisions. The character of a legislative chamber based on the hereditary principle or, alternatively, harnessing ‘meritocratic’ life peers would be essential to ideas about how to reconstitute the Lords. That insight, illustrated in
Bagehot’s observations, endured across the generations, acquiring its own value.

Yet, there was no automatically persuasive message, no swathe through the complexity of institutional arrangements which would allow for a wholly new House of Lords to be set up. Amongst many factors behind this entrenched, somewhat inflexible framework was the supremacy of the democratically elected House. The dangers of maintaining an anachronistic, even late-feudal, Lords were outweighed by its being given renewed authority to reassert its (non-democratic) will, whether based on the rights of hereditary membership or patronage. Meanwhile, there were also strong arguments, on grounds of statecraft, to avoid a re-engineering of the Lords.

For his part, Salisbury, upholding his own family’s constitutionalist passion, struggled against this sheer lack of consensus. Above all, he failed to envision and negotiate his way towards what, in 1958, would be broadly acceptable changes in the profile of the Lords.
CHAPTER 9: ‘500 PUNCH-DRUNK TORY ARISTOCRATS’, OR ‘A RESERVOIR OF EXPERTS’?

Government: 1957-1958

‘Unfortunately... leading Members of this House and spokesmen of the Government have shown a regrettable indifference to the transcendent value ... of the ability of the House, as at present constituted, to call on the services of this great pool of expert opinion. The periphery is always seen as this potential phalanx of 500 punch-drunk Tory aristocrats, whereas it should be thought of as in part a reservoir of the experts, who can cone and advise us on occasion on their own subjects.’ Lord Elton, 1957. 636

‘The fact that a large body of fairly ordinary men of prestige have the right to make a demonstration on a high constitutional platform helps in drawing the attention of a normally apathetic public to an important issue, and in encouraging it to formulate and express its opinion.’ -- G.M. Fogwill, 1957 637.

The lesson arising from multiple attempts at Lords reform was clear: considerations of statecraft and practical wisdom dictated that, if there were to be an effective solution, it could be delivered only in a simple form. In default of both a cross-party and an intra-party Conservative consensus, the Macmillan Government needed to find a politically feasible answer to the challenge of how to refashion the Lords.

One troubling conundrum, moreover, was that this was a challenge which some senior figures did not even wish to acknowledge as an urgent call on their attention. So, in historical perspective, the main question relating to the life peerage innovation is why it took its specific – minimal – form. In the terms of the main

question behind this thesis, how the Lords was evolving, its make-up and culture, the arrival of life peers had great emblematic value. Arguably, the 1958 Life Peerages Act was not itself revolutionary, though some of its long-term consequences were profound. Peerage appointments on grounds of personal merit, expertise or political expediency (mainly, retired or defeated MPs) were already an established method, though technically with hereditary titles, which now appeared increasingly anachronistic.

As long as the issue of Lords reform had been unresolved, it still seemed to be problematic at the highest ministerial levels – almost exclusively there, because it did not register much on the scale of political concerns facing the nation. The matter persisted over the course of 1957 until the Act was passed the following year, but on the rarefied level of constitutional debate and its limited (though intensely felt) political implications. However, throughout this process, the personal make-up and collective profile of the House of Lords were central factors in the argument over its future.

The intractable issue of composition did not allow for a systematic conception of what the Upper House might alternatively be: a senatorial chamber of experts or eminent figures, a party political-based body, or still largely an aristocratic stronghold, where the continuing hereditary principle claimed a special constitutional status, parallel to its embodiment in the monarchy. The very process of reform inched forward because these fine conceptual distinctions were not fully addressed – with the eventual Act emerging as a small package of palliatives rather than as an
exercise in thorough parliamentary reconstruction.

Although the departure of Salisbury removed a major source of complication, there was no automatic or speedy solution. If Salisbury’s shifting framework for a ‘comprehensive’ reform scheme had been non-productive, a more streamlined approach still needed to harness support on its merits, both in the Cabinet and in the Lords, as well as in the Commons. Ultimately, its success would rely on deft management. The consent of Parliament, above all the Upper House itself, could not be taken for granted. Pervading the entire question – though not always expressed in detail– were some of the elements of a creed of Conservatism and how these applied to constitutional change. The Conservative historian and thinker, Keith Feiling, wrote in 1953: ‘Whatever strengthens inheritance must receive welcome in a conservative mind.’

Certainly, the hereditary principle and the discussion centred on it persisted through the 1950s in a prominent but, as ever, rarefied form. At the level of both ideology and sentiment, this went beyond the frame of class deference or stolid traditionalism. It meshed with constitutionalism and, in terms of statecraft, a Conservative government’s strategy of proceeding to reform in order to conserve.

In terms of the analysis at the core of this current thesis, the subject of the make-up of the House of Lords, its profile, was also manifest in the parliamentary debates dealing with reform. The two landmark Parliament Acts (1911 and 1949) had legislated for a curbing of the powers of the Upper House. But now the

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traditional dichotomy behind the appraisal of the Lords, its composition and powers, was decisively switched to an emphasis on the former. This also entailed a sundering of these two facets. Earlier, during one of the several stalled stages in the reform process, Lord Elton had told the chamber that ‘those who can be found to agree upon some brand new planned Senate have never been able to agree upon its powers’. 639 Although undoubtedly true, the eventual plan did not over-reach itself with an ambitious re-engineered form for the Lords. It would remain, broadly, as the traditional Upper House, but modified in composition.

Questions revolving around the make-up of the Lords were those which touched on its ethos and corporate character, as well as its viability. As the veteran Tory parliamentarian, Earl Winterton – hardly a natural reformer – declared: ‘there is not the slightest wish on the part of anybody to increase the powers of the House. I know of no single Conservative Peer who wants it; all we are concerned with is to improve the composition.’ 640

One by-product of the intensive but fruitless discussions of reform throughout 1956 turned out to be a heightened strategic and tactical awareness: the principles that underlay constitutional engineering and the question of whether they were workable. It had been, at times, a fraught issue in the upper ranks of the Conservative Party -- not made easier by the fact that it consumed large quantities of time and energy, exacerbating feelings of impatience on both sides of the argument.

As we have already seen, Macmillan voiced his own lack of enthusiasm for reform, formally recognizing that the hereditary principle was outmoded. This had deep roots: thirty years earlier, when the Baldwin Government contemplated it, Macmillan, a junior back-bench MP, told his constituency party that any such attempt was doomed to failure; the party would never be able to agree on a scheme. 641 According to Alastair Horne, his official biographer, Macmillan made it plain at various times during his Premiership that ‘he did not hold either the Lords or its inmates in the highest esteem; essentially, it was a place for politicians put out to grass’. 642 At heart, Macmillan did not feel particularly sentimental about the Lords as an institution, in contrast with his Whiggish attraction towards the traditional aristocracy. 643

Just one day after being asked by the Queen to form a government in uncertain post-Suez conditions, his riposte to Salisbury’s precipitate lobbying was clearly intended to lay down a marker on the subject: ‘As you know, I was not a great supporter of House of Lords Reform in the sense of the full-blooded plan. I would much prefer the mere reversal of the Wensleydale Judgement; but I am prepared to do what was agreed. As I recollect, this was that there should be a debate in the House of Lords, and a final decision taken in the light of the response

to the ideas put forward in the debate.’ 644 The House of Lords itself would, in turn, debate the options for its future composition. But Macmillan was determined to maintain control of the agenda. Two months later, he wrote a minute on one of Salisbury’s many official letters, stipulating that he (Macmillan) should be involved in discussions: ‘This must come to a Cabinet when I [am] not away.’ 645

The introduction of life peers would not win Conservative votes in the wider electorate or alter the immediate political scene. Anyway, Macmillan favoured an unassuming means of reaching the objective. A ‘political bookie’, as well as an intellectual -- as D.R. Thorpe characterises him -- Macmillan could decide both on the odds of success and the intrinsic merit of the policy. 646

Under Macmillan, the impetus behind reform was transformed, as was its management and scope. There was a more pronounced emphasis on feasibility, and less on constitutional sophistry. This shift came about mostly for personal reasons, though the Cabinet, as a whole, eventually found greater latitude and common ground over reform when both the tangled minutiae of reform and any grander principles were excluded, leaving an outline of a programme.

In the initial phase of the Macmillan Government, during the first quarter of 1957, Salisbury had not wavered in his faith in what Macmillan termed the ‘full-

646 Thorpe, ‘Harold Macmillan’, p. 65. The comment echoes Malcolm Muggeridge’s distinction: ‘To succeed pre-eminently in English public life, it is necessary to conform either to the popular image of a bookie or a clergyman.’ Muggeridge, The Infernal Grove (orig.1973; 1975), p.43. Macmillan was not altogether averse to constitutional reform. His earlier support for proportional representation in the voting system can be interpreted as an astute attempt to build an anti-Socialist majority. See Nigel Fisher, Harold Macmillan: A Biography (1982), p.132.
bled plan’. From his point of view, further bargaining would take several months: he continued his contacts with the Independent Unionist Peers over the issue, and projected a provisional timetable, with a preliminary debate in the Lords to take place at the end of June, 1957. This was in line with his preferred schedule of having a Bill passed by the Lords in July, then going through the Commons during the short spill-over period in October, towards the end of the current parliamentary session.\footnote{Salisbury to Macmillan, 18.3.1957. TNA CAB/124/1129.}

By the end of March, 1957, Salisbury had departed office, having sounded the alarm repeatedly about the need for reform. Yet his fixations and inflexibility made it politically impractical for him to oversee any changes; in some ways, he envisioned a post-aristocratic Upper House, composed on the basis of individual merit. But there was also a possible irony, or maybe an unforeseen consequence, as a result of his projected limitation on hereditary peers, as Chris Ballinger points out: ‘by diluting the hereditary principle, Salisbury would have been strengthening the hereditary peers who remained in the House and would have ensured in perpetuity both the hereditary peerage in Parliament and the conservative [sic] predominance within the upper House.’ \footnote{Ballinger, \textit{The House Of Lords}, p.99. In the political arena, “perpetuity” is not a guaranteed measure of time, given the Blair Government’s later axing of most of the hereditary peers in 1999 and the effective end of built-in Conservative predominance in the Lords.} However, after Salisbury’s exit, the preservation intact there of the hereditary peers became, either through principle or pragmatism, an essential part of the shared equation with the introduction of life peers.

Certainly, Macmillan found the new Leader of the Lords, the Earl of Home, a far easier and more amenable working colleague than Salisbury. Indeed, Simon Ball

\textit{Idem.}
has claimed that the Prime Minister concluded that he could have the advantages of Lord Salisbury’s brand of Conservatism without being bothered by the man himself. Macmillan shrewdly chose – though there would not have been many eligible candidates for the post -- a well-connected, aristocratic Conservative grandee with the personal background needed to command the party’s ranks there, as well as the skill to make the Chamber work, regardless of reform. Macmillan regarded Home as ‘the best of the old governing class’.  

Whatever his intuitive judgement, Home proved himself to be a pragmatic man on the Right, but, importantly, free of Salisbury’s strenuous sense of custodianship in relation to the Lords. This more flexible spirit was illustrated by Home’s choice of a title for his later autobiography, invoking the local lore of his family estate, according to its head game-keeper: ‘Oh, the Home boys always seem to know which way the wind blows’.  

Macmillan’s original instinct about the mode of Lords reform – in favour of a practicable, minimalist solution -- was confirmed. It became the chosen strategy, though consensus in its favour was not necessarily assured in advance. Home told the Prime Minister that, after backing Salisbury’s ‘comprehensive’ scheme, he had now, ‘regretfully’, changed his mind, in favour of a less ambitious scheme. As previously, there was a need to bring the full authority of a unified Cabinet decision,

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through collective responsibility, to the Conservative peers before they might give their approval of a plan. Home was unsure, as he wrote to the Prime Minister, how Salisbury could have won the support of hereditary peers – and he felt even greater doubts about Conservative backbench MPs; several Cabinet colleagues, too, ‘do not much care for so sweeping a reform’.  

Home’s new plan centred on the introduction of life peers, but allowing for a Lords debate at which the Government’s policy could be set out. This point was emphasized by Home in a Cabinet memorandum in May, 1957. Overall, Home’s thinking had a less schematic cast than Salisbury’s -- for example, he did not favour limiting the number of annual creations, as Lord Simon had proposed five years earlier, so that a Labour Prime Minister had the opportunity for making government appointments in the Upper House: ‘...initially the aim should be to create as large a number of life Peers as is consistent with limiting the appointment to men and women of high character and ability’. Whereas Salisbury ratcheted up the pressure and stood out against doubtful Cabinet colleagues, Home favoured a calmer handling. He recognized that Salisbury’s ability to convince back-bench Conservative, or Unionist, peers relied on preliminary Cabinet backing – and that had by no means been secured for a comprehensive reform scheme.

The new leader of the Lords had switched from his earlier alignment with his predecessor to a belief in the virtues of a short Bill, centred on the introduction of life

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652 Home to Macmillan, 5.4.1957. HL/PO/1/477/466.
654 Ibid.
655 Ibid.
peerages, a measure ‘confined simply to reversing the decision in the Wensleydale case’, as well as admitting women for the first time. Home believed that ‘these more modest proposals will attract the necessary support in the Lords and be accepted by the country as a practical solution to an intractable problem.’

He outlined how this limited reform might be managed. In doing so, Home deliberately excluded other mooted options, such as a leave of absence for hereditary peers and the renunciation of titles, the latter stance becoming ironic retrospectively, six years later, when he himself disclaimed, after a change in the law which had been resisted by the Conservative Government.

Significantly, Home avoided using the melodramatic language often employed by Salisbury, about the Lords being on the brink of demise. There were dangers, of course, because of the reluctance, particularly in the Labour Party, to accept hereditary peerages, replenish their ranks there, and the generally low attendances.

During the various stages of formulating this particular policy, the key ministers (Home, Kilmuir, the Lord Chancellor, and – at variance with them, Hailsham, the Deputy Leader of the Lords and, until September, 1957, Minister for Education; subsequently, Conservative Party chairman) submitted official memoranda to the Cabinet, in turn allowing for that body as a whole to clarify and endorse its line on Lords reform. Hailsham, though an energetic lobbyist for reform, rejected what he called ‘the more grandiose schemes’, which he associated with Salisbury; he himself held a view positioned somewhere between Macmillan and the

656 Ibid.
longstanding Lords Leader. \footnote{Hailsham’s book, *The Case For Conservatism* (published in 1947, when he was Quintin Hogg MP), harked back to traditional notions, with headings including ‘The Religious Basis for Society’ and ‘The Organic Theory of Society’.} Underlying Hailsham’s beliefs was a Tory scepticism, that ‘traditional institutions can never be rational or capable of justification...any more than a tree can be rational.’ \footnote{Ibid., p.189.} Hailsham regarded the oddities and anomalies of the House of Lords, both before and after 1958, as a source of institutional strength. Much later, at the pinnacle of his career, he presided there as Lord Chancellor, during two separate periods on the Woolsack.

There was, of course, a personal interest in this cause. As an ambitious politician, he knew that his prospects would be restricted after succeeding to his father’s peerage. With no right to disclaim, he believed that he could not reach a senior post in government. Hailsham’s reform proposals included a draft Bill, which had a clause enabling an heir to a peerage not to be obliged to take a seat in the Lords. \footnote{Hailsham emphasized that he would be ‘perfectly prepared’ to stand by Home’s ‘minimal proposals’ if there were no automatic hereditary succession and disbarring of a peer from the Commons. *House of Lords Reform* Memorandum by Hailsham (including Appendix: Draft Bill). 6.5.1957. TNA CAB 129/87/11.} It was overlooked until Anthony Wedgwood Benn’s campaign set the momentum for further piecemeal reform in 1963.

Nevertheless, Hailsham’s overriding priority was the enactment of reform by
Parliament. When, soon afterwards, the Cabinet deliberated over the options, it endorsed Home’s ‘moderate and practical proposal’ on the basis that it ‘should enable the Upper House to operate more effectively, without necessitating prolonged Parliamentary debate on the more controversial principle of hereditary succession.’ Towards that end, also, the Cabinet bypassed Hailsham’s arguments: it would be ‘wiser to exclude’ his proposals.  

A concerted approach encouraged coherence and a vital solidarity, with the authority of collective responsibility behind it. One major motive behind the Government’s stand was to avoid unearthing the principles behind the hereditary system, which would potentially antagonise both traditionalist peers and Labour left-wingers. Merely enlarging the scope of the Bill might endanger it – an unmistakable facet of what had previously happened with ideas about redesigning the Lords. So, the earlier suggestion of changing Standing Orders in order to exclude backwoodsmen from attending would no longer be proposed. An internal system of selecting within the ranks of current hereditary peers might appear to help the Government’s supporters ‘to consolidate and strengthen their control over the Upper House’. 

Another outstanding issue, the introduction of daily allowances for attending peers, did find government support, but it would not be included in the main Bill. Instead, it was regarded as a separate item. By linking its consideration with that of MPs’ and ministers’ salaries, it might be represented in terms of improving the

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661 Cabinet Conclusions, 16.5.1957. TNA CAB/128/31/41.
662 Ibid.
efficiency of both Houses of Parliament. 663 So, any innovation suggesting the complexities of the comprehensive scheme associated with Salisbury was ruled out. Home was also alert to both the presentation and timing of the reform proposal; its capacity to arouse controversy would only be reduced, but not eliminated, by opting for a short Bill. 664

One open-ended question was how the Labour Party would react, and, indeed, whether the forthcoming debate might even ignite a spirit of unicameralism irrespective of the leadership displaying a more amenable line (assuming that it were to be so). Reaching a cogent and watertight position on Lords reform was clearly challenging for Labour. The issue of timing mattered: a sizeable time-gap between publishing the proposals and following them up with legislation might well be negative from the Government’s point of view.

Against that consideration, there was already a heavy legislative programme in the current parliamentary session; even a simple reform Bill would be time-consuming in debate. After careful reckoning by the government business managers in both Houses, the Cabinet reluctantly accepted that they would need to defer the debate until after the summer recess; the Lord Chancellor, Kilmuir, lamented, ‘We have waited 47 years for this. Pity to miss it now.’ 665

Another factor in timing lay in how the initiative might be taken up by Salisbury, outside the camp but with -- so far -- unquantifiable support within the

663 Ibid.
664 Ibid.
665 Cabinet Secretary’s Notebook ,22.5.1957. TNA CAB/195/16/33.
Lords. It was this doubt that probably made for an ominous undertone in what Home wrote during the preparatory phase of reform: ‘We are … likely to be confronted with the advocacy of any number of the countless schemes of reform which have been canvassed in the last fifty years’ 666

What emerges from the official record is that even the mundane issue of considering a timetable for parliamentary business made for nervousness. Discussion was dominated by how and when to allow that exploratory Lords debate – whether before or after the summer recess, but, amongst other factors, with a view to pre-empting the Labour Party from capitalising on the uncertainty at the time of their annual conference, where they might push for a more comprehensive scheme of reform, or even outright abolition of the Lords. 667 In the mind-set of the Cabinet, insecurity and gamesmanship were bound up together.

Although Labour undoubtedly featured as a significant factor, it defiantly upheld a passive line, staying on the sidelines as the policy was developed by its Conservative opponents. (Over the terms of the Life Peerage Bill itself, there was no prior formal consultation between the parties.) Such a stance accords with Labour’s ingrained ‘constitutional conservatism’ and unthreatening attitude, in Peter Dorey’s judgement, already cited. 668

On this particular question, there were few thoughtful contributions from the

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666 Home Memorandum, ‘House Of Lords Reform’, 3.5.1957. op.cit.
667 Ibid.
668 Dorey, Labour Party and Constitutional Reform, p.347.
Left during the 1950s. An exception was Anthony Wedgwood Benn’s idea of the Privy Council to become the Second Chamber. This was oblivious to the probable domination by party politicians, despite one objective being to improve its role as ‘a forum for informed debate’. Also, the party’s deputy leader, Herbert Morrison, as we have seen, in his book celebrated the Lords’ ‘irrational’ virtues rather than propounding a wholesale reform programme. In a newspaper article heralding the book’s publication, Morrison gave a businesslike signal in favour of reform, however parsimoniously expressed: ‘It seems to me...that the case for life peerages (including women) is not negligible. This should make it easier to maintain a reasonable party balance’.

Yet, on Labour’s left wing, and articulated by Aneurin Bevan chiefly, the hostility towards the Lords was vociferous – against what it considered a bastion of class privilege, as well as being considered constitutionally superfluous, an outlook which had formed official party policy in the 1930s. So, there were broadly three tendencies within Labour: a minority seeking some kind of reformed Upper House, the mainstream either indifferent to reform or unenthusiastic about pursuing it, and the abolitionists.

669 The most notable example was by Lord Chorley, B. Crick, D. Chapman, Reform of the Lords (Fabian Society Research Series, 1954), p.21. The authors accepted that a ‘second chamber is inevitable, even if we do not like it’. p.2.
671 Although, as a minister, Morrison engineered the reduction in the Lords’ delaying powers, under the 1949 Parliament Act, his comprehensive study, Government and Parliament: A Survey from the Inside (1954), testified to his basic respect for this part of the legislature. He denied that it was ‘devoid of either importance or utility’: ‘The active members (and the great majority are inactive) include men of ability and extensive public experience ..... debates ... have a character and importance of their own and are not without their influence on public opinion and Government policy’. *Ibid.*, pp.172-173.
Unsurprisingly, then, divisions within the Parliamentary Labour Party became sharper when the Bill was published. Among Labour peers, the response to the government was more muted, and contained in a mildly critical but co-operative spirit – such as in Lord Silkin’s terse statement: ‘We on this side think that the hereditary system is not only illogical but also that it cannot really be justified.’  

But Labour MPs were far from united, in a period when, anyway, ideological differences were the cause of internecine strife. After a long and inconclusive private meeting in Westminster, it was reported: ‘Some MP’s urged that the Bill did not deserve support, because it was only “tinkering with the problem”. Others held that it would be difficult to oppose a measure, however limited, which made a breach in the hereditary principle and enabled women to sit in the Lords.’  

It is difficult to be sure how much the Labour stance – either the abolitionist Left or the party’s overall passive position -- really registered with the government as it addressed the principle and the methods of remodelling the Lords -- or whether it was a convenient pretext for formulating reform proposals. Labour was often cited in Conservative politicians’ discussions about taking remedial action over the Lords: the built-in, and overwhelming, Conservative majority and the dearth of Labour members there. Yet, by previously standing aloof from cross-party talks, Labour did somehow remain as a ghostly presence. 

Wider constitutional thinking was needed to embrace the party’s possible attitude in terms of it returning to government, as well as its regular participation in

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673 HL Deb 03 December 1957 Vol. 206 col. 646.

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the working of the Upper House. But there was a deliberate lack of declared
intentions on the part of the Labour leadership. 675 If the Conservatives were subject
to contradictions and stalemate over the future of the Upper House, Labour faced its
own policy maze. However, being an Opposition party released it from the need for
consistent and credible solutions on this score.

The intensive two-day session in the Lords (October, 30-31st, 1957) proved
an essential means for both sounding out opinion in the chamber about its own
future and -- given decades of deadlock – harnessing at least a basis for general
consent over reform: according to a newspaper report, government spokesmen
there will be ‘ “thinking aloud” ’, with an ‘intention to study the opinions expressed
from all parts of the House before deciding on a definite scheme to be embodied in
legislation’. 676 Of course, the parameters for change had now been set by the
Executive. The Government’s sense of caution was itself germane to the logic of
reform, the need to proceed slowly and judiciously -- above all, to overcome so much
past failure on this front. Until the legislation was passed by the Lords, its official
sponsors had no guarantee against obstruction or outright sabotage.

The disaffected Salisbury might even become a figurehead for Conservative
dissent across the policy board. Alternatively, he faced the possibility of his own
political demise. No one, least of all in the government, could be sure either way. It
is only with the luxury of hindsight that it might be said (by Chris Ballinger), more

675 ‘Labour speakers [in the Commons] are not likely to give any sign, during the second reading
debate, of the action that the party would take following the enactment of the bill, or of the attitude of
Manchester Guardian, 7.2.1958.
than fifty years later: ‘The case for Salisbury as an internal -- or external -- impediment to Cabinet-sponsored Lords reform is easy to overstate.’ 677

As in many other instances where opinionated patricians speechifying in the Lords were somehow rendered more judicious and temperate, Salisbury’s eagerly awaited intervention reined in any destructive potential. On an oratorical level, Salisbury freely invoked the classical figure of Cassandra in making gloomy prognostications about the destiny of the House. His unheeded demands for proper remuneration for new life peers and for limiting the attendance of a section of hereditary peers had become sticking-points for him – but these were also symptomatic of what he saw as the dangerous, even life-threatening inadequacies of the Bill as far as the House was concerned. The Conservative Government, and peers in support, were ‘putting in jeopardy not only the hereditary system, to which many of us attach importance, but, what is even more important, the whole basis of the bicameral system, which is, as I see it, the only protection a country like ours, with an unwritten Constitution, can have’. The situation, as he saw it, was ‘extremely distressing and depressing’, with the prospect of a future Labour Government demonstrating its hostile intent. 678

This was a familiar refrain from the Marquess. Yet, because of his lack of political dexterity or the sheer circumstances, he had now accepted a significant half-measure of reform regardless of whether or not it represented a down-payment on a more comprehensive package in the future. Despite his deep reservations, he

677 Ballinger, The House of Lords, p.93.
678 HL Deb 03 December 1957 Vol.206 cols.642-645.
announced that he would not oppose the Bill: the principle of life peerages, in which he believed, effectively counterbalanced Salisbury’s objections. But – importantly for the Government -- he was ceding any tactical advantage that he might have had as a Conservative rebel peer. Unlike earlier pushes for reform, the Cabinet now held a unified line, under collective responsibility. In order to avoid any damaging dissent from Conservative peers, a common denominator for reform -- life peers and women’s admission -- was established. Because the innovations, however limited, did not conflict, at least, with the ideas of a fundamentalist reformer like Salisbury, he was obliged to support them.

Salisbury intervened again, but he had to endure Hailsham’s scathing observation, about the Marquess’ long-term interest in the issue, that he ‘has fished this stretch of water for many years. Indeed, for him it is almost an hereditary river ... but he has caught nothing. He did not even get a bite’. 679

Above most other policy subjects, the future of the House of Lords held high stakes for many peers themselves, though the Government’s decision to leave the hereditary peers -- and even the backwoodsmen among them -- untouched would help to fend off some of the controversy. In the run-up to the debate, the Cabinet reiterated both its strategy and tactics: the overriding priority was the simplicity of the

679 HL Deb 05 December 1957 Vol.206 col. 844. This political jousting, at which Hailsham excelled, was far-removed from an earlier, private, exchange, between the two men over the hereditary principle, a cause of anguish for different reasons. Salisbury wrote to Hailsham in 1952: ‘The hereditary principle is to-day very much on its trial. Were it to appear that hereditary peers were unable or unwilling to do the work that falls to them under the Constitution, it might have a powerful influence on the attitude of the public to the whole question of the reform of the membership of the House; and we should have no one to blame but ourselves’. Salisbury to Hailsham, 24.1.1952. HAILSHAM 2/40/2.
measure; any other provision, such as renunciation of titles and the admission of hereditary peeresses, to be firmly excluded at this stage. 680 This approach would be vulnerable to an obvious criticism, that it was far from bold, the thrust behind the arguments of the Manchester Guardian and Lord Salisbury, who were otherwise by no means political soulmates. 681

But, hearteningly for the Government, the step-by-step approach to reform was recommended by Lord Teynham, the chairman of the back-bench Independent Unionist peers, who initiated the main debate, on October 30th – also, like Home, explicitly distancing himself from Salisbury: ‘any radical reform might well be a mistake which would alter the whole character of the House without in any way improving it’. 682 Teynham contended that, since 1911, ‘the work and prestige of the House has grown enormously, and therefore the demand for reform has not been so strong over the years’. 683 Ministers would need to listen to and show sensitivity towards its own supporters in the Second Chamber, who now might have the opportunity to voice dissent in a free-spirited manner. This was in line with what The Economist noted as the customary style of such debates --‘by throwing out suggestions rather than by pretending to be a fount of incontrovertible truths’. 684

680 Cabinet Conclusions, 15.10.1957. TNA CAB/128/31/73.
682 The initiation of any debate by a back-bench peer was, of course, standard practice. Teynham himself occupied an influential position. But there was an element of collusion with Home over the staging and timing of this debate As Kilmuir informed the Cabinet in advance, Home ‘has arranged for a debate’ on Teynham’s motion, during which Government speakers ‘will disclose the proposals for reform approved in principle by the Cabinet on 16th May’. Kilmuir Memorandum: House of Lords Reform, 7.10.1957. TNA CAB/129/89/27.
684 ‘Gentlemen and Players in the Lords?’ The Economist, 23.3.1957.
Several peers spoke out in favour of the introduction of life peerages, so establishing a broadly mainstream consensus. Among these were Lords Lloyd, Melchett, Teviot and Ailwyn. Some did express reservations, whether through not fully believing that reform was necessary or, like Salisbury, that the current proposals were insufficient. Regardless, they joined the veteran reform advocate, Viscount Samuel, in welcoming the Bill. As Melchett, balancing the traditionalist view of the Lords with a more modern conception, argued: ‘I recognise the value of the knowledge and experience of those Members of your Lordships’ House who attend at present and who are hereditary Peers. However, I should like to see this change of emphasis in the composition of the House come about or be tackled in the very near future. 685

If Teynham’s appetite for strictly limited reform at this stage was shared by others, the result would be pragmatic and piecemeal change, anchoring the Lords’ place in the Constitution and allowing for the ‘modest’ measure to provide for a slow but significant change over future decades in the profile of the Upper House. So, the basis for the Government’s approach, the expediency of minimalism, as opposed to wholesale reform, recommended itself precisely because of its unassuming quality. As an editorial in The Observer regarded the short Bill when it appeared, ‘it does no more than nibble at the most intractable constitutional problem that Britain has had to face in modern times.’ Simultaneously, there was a correct recognition that the issue ‘arouses few strong feelings; the attitude of the general public towards it is

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685 HL Deb 03 December 1957 Vol.206 col.684.
mainly one of casual indifference.’ 686

Above all, the practical political virtue in ‘nibbling’, or offering something like an emergency life-saving operation on the Lords, was vindicated. Home was, throughout, very much aware of how that argument for limited change should be presented. When he came to advocate limited reform in the Upper House itself, Home had the task of commending the principle of introducing life peers while downplaying their immediate numerical influx. It was a slightly precarious stance in the circumstances, on behalf of a necessary but apparently far from radical change in the Lords’ composition. But it was to appeal to the collective mood in the chamber:

The picture of cohorts of frustrated talent waiting at the Bar is a quite unrealistic one. It seems to me much more likely that the difficulty will be to find sufficient people who are able to give their time, and so I anticipate that Life Peers would be selected with the same scrupulous care as Peers of first creation are selected now. But there would be, this great advantage, that the Prime Minister of the day would have discretion. He could offer a life peerage or an hereditary peerage. He could offer a life peerage (and in these suggestions I am in no way trying to limit the categories) to people of distinction in the public service, to those who could represent some aspect of the nation’s life with a peculiar authority, or to persons who could assist Government or Opposition Parties in the conduct of Parliamentary business. And therefore it would seem to me that there is a strong and almost unanswerable case under present conditions for the appointment of Life Peers. 687

Here, Home encapsulated both a personal Tory temperament – still cleaving to the core hereditary principle in the Lords – and the tactical imperatives of winning support for change and making it workable as a long-term prospect. On the first count, he did not hide his preference: ‘although in theory, and even in logic, it is perhaps difficult to justify a Parliamentary system which includes the hereditary

687 HL Deb 30 October 1957 Vol. 205 cols. 589-590.
principle, nevertheless it works: and, by and large, that is the test which the British public apply’. 688 The established practice of prime ministerial patronage also appeared in the light of a dual advantage: continuing a traditional pattern, but also avoiding any new and contentious methods of selecting or electing new peers.

As far as the profile of the House was concerned, Lord Strang, an ennobled former Permanent Under-Secretary at the Foreign Office, emphasized how the hereditary principle did not necessarily represent the full significance of the Chamber. Strang saw the challenge as being one of grafting a new Chamber upon the old in a way in which tradition and continuity can be preserved in some measure and so far as possible, but by which present anomalies and absurdities can be removed. It would be, I hope, a House based not on Party alone, a House where minorities and trends of opinion which are not directly or adequately represented in another place can find a seat and a voice, where the non-Party spirit can flourish and where independent opinion can find expression. 689

Strang’s metaphor of the grafting of a new Chamber was significant. There would be no sweeping away of the traditional Upper House, though the method chosen by the Government was not so much motivated by a grand constitutional vision, or by Strang’s mandarin idea of what the Lords might represent, as by a spirit of compromise in search of what was feasible in the circumstances. Modernization, limited just to new life peers, and desire to preserve a parliamentary landmark found institutional form with this minimalist measure. Such a spare kind of reform had been designed to avoid internecine party battles in a Conservative Cabinet and in its ranks at Westminster.

688 Ibid., col.588.
689 HL Deb 03 December 1957 Vol.206 col.695.
Two weeks after the exploratory debate, the Cabinet agreed that supporters of any amendments to a draft Bill ‘should be warned in confidence that, if the scope of the Bill were substantially extended’, the Government ‘would be unable to carry it through the House of Commons and would be obliged to abandon it altogether’. Although this might have seemed to some of those involved like a political poker game, it was clear at ministerial level that extending the proposed reform would definitely not be a feasible way forward.

Home himself felt broadly satisfied that there was sufficient support for the Government’s approach, especially if the rules on peers’ attendance in the Chamber were dealt with by separate procedural changes, rather than tacked on to legislation. But the Leader of the Lords did still worry that his predecessor, Salisbury, ‘will press for wider reform’ – in turn, leading to varying possible consequences, negative or otherwise. According to Home, if Salisbury were to challenge the Government position: ‘This w[oul]ld. provoke Socialists to pledge themselves to abolition. Unwise to offer this provocation. They are at 6′s & 7′s. They will find nominated Chamber w[oul]dn’t do: they don’t want elected Senate: they may decide, faute de mieux, to accept status quo, after our limited Bill.’

During this Cabinet exchange, Home again insisted – in response to his colleague, the Earl of Selkirk, who was more amenable to extending reform – that any (hypothetical) addition, such as modifying hereditary rights, would excite opposition from (Home’s epithet) ‘re-actionary (sic) Tory Peers’: a ‘fearful prospect’.

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690 Cabinet Conclusions, 12.12.1957. TNA CAB/128/31/84.
as he put it. So, he would ‘Prefer to stand firm on limited plan’. 691 Significantly, too, at this stage Hailsham agreed with the more modest reform proposal, though with reluctance; he did not pursue his previous favoured ideas, such as introducing a right to disclaim a peerage. Like Home, he was also concerned about how a future Labour government might choose to interfere with the Upper House. So, the Cabinet managed to overcome internal dissent over reform.

Indeed, the Bill’s passage towards the statute-book brought more clarity to how the Lords might change. The process also lessened the intensity of the issue, except for the inevitable fraught moments in the Commons, where partisan rhetoric was bound to show a much higher temperature than in the Upper House. Symptomatic of this move of Lords reform to the parliamentary arena is the fact that, after a long spell in which it (at times) preoccupied the Cabinet agenda, ministers no longer needed to grapple with the issue at the highest level. By this stage, at least, the Government had reason to feel confident.

P.W.Bromhead observed later: ‘Amendments to the fabric of the British Constitution by nature are very rare; the year 1958 was remarkable for the passing of the Life Peerages Act, whose main provision had been repeatedly proposed, without success, during the past hundred years’. 692 Salisbury’s over-strenuous efforts showed that reform could not be engineered as an abstract prototype. The innovation which was achieved in the membership of the Second Chamber was based on operational principles, good parliamentary house-keeping, rather than any

691 Cabinet Secretary’s Notebook, 21.11.1957. TNA CAB/195/16/63.
grand constitutional scheme. It offered a ‘fix’, rather than radical surgery; a ‘blood
transfusion’, according to Lord Hailsham. 693

The (pre-legislative) dynamic between Executive and Legislature is particularly
interesting, from both a constitutional and a political standpoint. This issue had been
the source of controversy for decades; the many attempts to grapple with it had been
generally unproductive; consensus was absent. The Cabinet’s wary progress would
now be tested, as the Lords was expected to deliberate over its own future – and the
Commons, too, had to give its approval. These stages were subsumed in the
process designated by L.S. Amery, in quasi-constitutional doctrine, as ‘responsible
government’:

A British government is not merely responsible to those who have appointed it
or keep it in office in the sense in which an agent is responsible to his
principal. It is an independent body which on taking office assumes the
responsibility of leading and directing Parliament and the nation in accordance
with its own judgement and convictions. 694

Amery, then, gives a double-sided view of government both listening and
leading, consulting Parliament while taking executive decisions.

Very few of the opinions aired over the debates on the Life Peerages Bill had
an outright reactionary temper – as opposed to those speeches marked by
cautiousness or guarded support for moderate reform. But three notable
contributions in a die-hard vein against the reform proposals – the admission of
women, rather than the principle of life peerages, being particularly contentious –
came from the 12th Earl of Airlie, sometime Lord Chamberlain to Queen Elizabeth

694 Amery, Thoughts on the Constitution, pp.30-31.
(wife of George VI), the 8th Earl of Glasgow and the 13th Viscount Massereene and Ferrard. Airlie put forward amendments, one of which was voted down heavily, critical of the nature of the Government's reform proposals, specifically in regard to the admission of women. Yet his tone was more quizzical than irate:

Anyhow, you will probably get the wrong sort of Chamber. You will get another "another place", if I might use that term. That is just what is not required. Be that as it may, if we must move forward let us at least move slowly and take it step by step. With all due deference to the noble Earl the Leader of the House, I myself can see nothing sound in his argument that, because ladies have entered another place and other spheres of work, and perhaps succeeded, they must therefore necessarily be admitted here. Why, my Lords? I have yet to be convinced.695

The octogenarian Earl of Glasgow followed up with an outright rejection of women in the Lords:

Personally, I prefer the charm, the humour and the capability of the women I know to the earnest egotism of the feminist with her claim to be the equal of men and sit in this House. I like the touch of instability in those immortal words: "Woman! in our hours of ease", "Uncertain, coy, and hard to please". I realise that talking about the suitability of women for politics cuts very little ice with your Lordships. What you are turning over in your minds is the un-intellectual and so-called illogical aspects of the question whether you really want to meet the ladies in the Library and give up the one asset of your Lordships' House -- namely, that for hundreds of years this has been a place for men alone.696

Viscount Massereene and Ferrard, similarly, made a stark statement about gender suitability for Parliament: 'No one admires more than I do the intuitive wisdom, talents and beauty of women, but women are not legislators and never will be.' 697

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696 Ibid., cols. 1215-1216. Glasgow had previously been closely associated with the far-right movement, including the January Club, affiliated with the British Union of Fascists, and the Anglo-German Fellowship. According to Thomas Linehan, he had commanded the British Fascists’ (a forerunner of the B.U.F.) units in Scotland in the 1920s. See Linehan, British Fascism 1918-39: Parties, Ideology and Culture (Manchester, 2000), p.62.
697 Ibid., col. 1218.
However, such debates, free-ranging, discursive and opinionated, were actually instrumental in isolating reactionary views, relegating them to an outer minority fringe, as they had correspondingly set a mainstream or moderate reformism. The recurrent depictions or caricatures, over the course of time, of ‘blimpish’ aristocrats did not exactly fit the norm in the Lords, though it was not altogether alien. Amongst the cross-currents of arguments over the admission of women peers, what might be called an urbane Tory pragmatism and rationality asserted itself. The 2nd Lord Birdwood, a sometime senior army officer, pointed out the need to disentangle conflicting elements in how some peers were envisaging the essential identity of the House:

On the one hand, there has been produced the argument that this is a club, a sacrosanct place in which it would be a pity to have women rumpling the newspapers in the Library. On the other hand, it has been claimed that this House is an indispensable element in the British Constitution. You cannot have it both ways; as I see it, it is one or the other. If it is an indispensable part of the British Constitution, then it needs protection as such and it must then march with the times. If it is to march with the times it must, as I see it, recognise the ability of ladies to come here and give of their knowledge where they are fit to do so. 698

The Conservative peer, and former MP, (the 3rd) Viscount Astor vehemently rejected the exclusion of women, even claiming, with due irony, that he had a ‘hereditary interest’, because his father, the 2nd Viscount, had lobbied for their admission in the 1920s; his mother, Nancy Astor, was the first woman to take her seat in the Commons. So, his speech neatly rebutted any prejudiced assumptions that female emotions were a particular handicap to being a distinguished parliamentarian, as well as reminding the Lords that gender did not prescribe

political radicalism:

If we want to make ourselves ridiculous in the eyes of the country we can do so, but if we are going to commit suicide as a House let us take some major and noble issue on which to do it. Certainly the idea that women will be a vast radical force is completely wrong. Every public opinion poll shows, everybody who has ever canvassed knows, that by and large the women of this country are a more Conservative element than the men. They have probably put in a Conservative Government at every Election since women have had the vote. If we are going to antagonise that large element, we just make ourselves absurd in the eyes of this country. I believe that if we have women Members of this House of the same average quality as we have had in the House of Commons the debates of this House will be enriched. 

Another moderate and persuasive voice on behalf of the idea of women peers was that of the admiral and former First Sea Lord, Baron Chatfield, who highlighted the extensive professional and voluntary contribution of women to society as a whole, together with the imperative to bring the Lords ‘more completely in line with the best modern thought and practice’ so guaranteeing ‘a more certain and a better future.’

During the two-day Committee Stage debate on the Bill – in effect, its final airing within the Upper House itself – Home again stressed that the introduction of life peerages would not eliminate the freedom of a Prime Minister to offer new hereditary peerages at their discretion. But, in line with the Government’s agenda and insistence on simplicity, a proposal (by the Labour peer, Lord Silkin) that a hereditary peer might exchange his status for that of life barony was nullified. By his own admission, Silkin was attempting to link this suggestion to making an allowance for a peer to renounce a title. On the other side of the House, the sometime

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699 Ibid., cols.1221-1223.
700 Ibid., col. 1211.
701 Ibid., col. 1243.
702 Ibid., cols. 1261-1262.
Unionist MP, the 7th Earl of Mansfield condemned the latter proposition as ‘detestable’. ‘When a man and his family have had the honour of having a peerage conferred upon them, that peerage does not belong just to the owner of it or to his next of kin: it belongs to all those who are in remainder.’

This particular topic proved to be both heated and subject to legalistic dispute. Just as the first day of the debate was largely consumed by the question of women peers, the second day was dominated by arguments over the notion of disclaiming a hereditary title. Reassuringly for the government, however, the Bill’s basic provisions, the common denominator of reform, emerged unscathed. An editorial in The Times recorded how their Lordships now stood in relation to this item of legislation:

They agree with the obvious consensus of opinion in the country, that their public usefulness and repute can only be enhanced by accepting into their ranks distinguished men and women who are either unwilling or unable to sustain, for themselves and their posterity, the honours and burdens of hereditary rank.

After passing through the Lords, the Bill arrived in the Commons in February, 1958. During the debates there, the Government might have been surprised to hear the most technical-minded and scouring criticism coming from its own benches – from a Conservative MP who had, just a month earlier, been a minister.

Enoch Powell’s resignation, in January, 1958, from the Treasury team (in protest, jointly with the Chancellor of the Exchequer and another colleague, against the scale of public spending) freed him from the constraints of ministerial responsibility to attack the Life Peerages Bill. He was steeped in the subject of the

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703 Ibid., col. 1264.
Upper House, one of his scholarly passions – even writing a book at that time on its medieval incarnation. The impetus had been the controversial prelude to the Labour Government’s curbing of Lords’ powers ten years earlier. Powell admired the Upper House in its historical context because it had retained its identity ‘through so many political and social revolutions’.\(^{705}\) But, whereas the Government chose limited reform as a means of preservation, Powell saw a threat to constitutional integrity. After arguing that many of the post-war peerage creations had represented a wide range of professional life -- Powell was not necessarily an advocate of the old aristocratic base -- ‘we are being asked to make a serious constitutional change and to make it without evidence of grave necessity.’\(^{706}\)

Yet one of Powell’s biographers, Robert Shepherd, sees this as an ‘alarmist response to a modest and practical reform’. Notwithstanding the conundrum of a traditionalist-minded politician in the face of pressure for change, there is a view here of Powell as being ‘perilously close to adopting an ultra, die-hard stance to any change whatsoever, while apparently being prepared to accept every change in the past that had enabled the Constitution to evolve into its present form.’\(^{707}\)

Besides Powell, the other main Conservative objector in the Commons was

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\(^{705}\) J. Enoch Powell & Keith Wallis, *The House of Lords in the Middle Ages* (1968), p.xi. However, the University of Cambridge refused to acknowledge the book’s worth as the basis for an award of a Litt.D. degree, which, Powell himself subsequently hoped for. In a letter from the Board of Graduate Studies (15.5.1969), Powell’s application for the degree was turned down on the basis of the work being ‘not of sufficient merit’ POLL 1/4/14.

\(^{706}\) *HC Deb* 12 February 1958. Vol 582 col.441.

\(^{707}\) Robert Shepherd, *Enoch Powell: A Biography* (1997; orig.1996), p.187. Throughout Powell’s career, temperament and prejudice were catalysts for a fastidiously discriminating intellect. So, in this instance, his personal view of Macmillan may have been central. Much later, Powell attacked his ‘cynicism, agnosticism, bread and circuses (provided that they are held at a decent distance from the ducal estate)...and a contempt for principle in politics’. Powell, ‘Book Review’, *The Spectator*, 1.3.1980.
Viscount Hinchingbrooke (heir to the Earl of Sandwich), who, in a wayward speech, lamented what he saw as the Lords’ capitulation in 1911, rather than standing up to its principles and allowing itself to be swamped by new peers: ‘There would then have been no need for these reforms today’. But, despite the fierce rhetoric, and the Government's earlier fears about its MPs’ reactions, there was no meaningful Conservative revolt.

From the Labour benches, a certain mood of left-wing atavism mixed with constitutional conservatism or scepticism. Lady Megan Lloyd George flaunted her own ‘hereditary’ radical anti-Lords credentials on this issue – though her eminent father had, almost at the end of his life, accepted an earldom. ‘In fact, the party opposite gains everything by this Bill and gives practically nothing away. All the substance is retained -- the hereditary principle, the permanent majority and the delaying power; all the features which are so objectionable and which are, indeed, completely indefensible in a democracy.’

Her colleague, Jennie Lee, an inveterate unicameralist, attempted to broaden out the argument over reform by seeing democracy in terms of the constitutional status of the Commons, however flawed the Lower House happened to be. In that light, she argued, the current Bill on behalf of the Lords was immaterial: ‘We think we are making extremely heavy weather out of a relatively simple constitutional point.’

Aneurin Bevan (the husband of Jennie Lee) delivered a characteristically

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708 HC Deb 12 February 1958 col.469.
709 HC Deb 12 February 1958 cols.452,454.
powerful example of oratory, a diatribe against the Bill from the Opposition front bench; attacking what he regarded as class privilege and the hereditary principle allowed him to exercise his speech-making skills. Bevan disputed the usefulness and basic functionality of the Upper House. But his broadside against the hereditary principle and the built-in Conservative bias in the Lords, together with his concern about the possible full remuneration of peers (which did not materialize in that form) brought him to a sweeping rejection of the central part of the Bill:

The proposal to make life peers is, in my opinion, the unimportant part of these proposals. That is the façade .... The fact is that it is now intended to pay the House of Lords, but, of course, it is a big step to pay 867 people and an ingenious method is, therefore, being devised by which some of their noble Lordships can have leave of absence from the Crown. They can have exemption from attendance. That will leave, we do not know how many but a small number. perhaps 200 or 300, who will still attend. Then some life peers will be made -- how many we do not yet know -- and they will go to the House of Lords and a nice honorarium will alight on all of them. And here, the House of Commons, which has not given its own Members pensions, will give pensions for life to the Lords. That is exactly it.'

Whatever his mistrust of possible government machinations, Bevan's allegation of trickery was besides the point. It proved to be difficult, particularly for him, to mount either a constructive challenge or call for revisions of the basic reform proposal as it was framed. Labour maintained its opposition to the measure, but the Bill was approved by a majority of 51 (292-241).

Even before the Life Peerages Bill received royal assent, in April, 1958, attention turned to the question of how momentous it actually was as a reform and, then, who might take the new seats in the Lords. Labour's spokesman in the

\[711 \text{ Ibid., col.693.}\]
Commons, Sir Frank Soskice, queried during the Third Reading debate: by leaving the hereditary contingent untouched, how many life peers would be needed to counterbalance them? Too few would make no overall difference; large numbers would be impracticable. Soskice called the reform a ‘poor little mousy thing ... in stature and scope’ – though he recognized that it was far from that in its constitutional implications. 712 From the vantage-point of the Upper House itself, the Labour peer, Lord Pakenham wrote: ‘we seem condemned to rub along as we are with small tinkering changes at the best’. 713

Yet the Labour Party itself now faced a challenge, about how it might respond in practice to the opportunity of nominating new Life Peers under its own colours. In his later memoirs, Macmillan (basing the account on his 1958 diaries) registered two separate approaches to Gaitskell about whether -- despite Labour’s opposition to the Life Peerages Act -- the Opposition leader would co-operate by nominating a number of working peers. 714 The wily Prime Minister was quick to note Gaitskell’s embarrassment, given the hard-line on his party’s Left against the new legislation.

On the other hand, Gaitskell’s circumspection had helped him to maintain essential unity within his party. But this left the unresolved question about how he would respond to the final form of the Life Peerages Act. An anonymous Labour politician gave what turned out to be a revealing insight: that the leader would nominate new life peers, without colleagues’ objections. ‘Such action...could be justified on two grounds: one, the need to increase the working strength of Labour in

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712 HC Deb 13 February 1958 Vol 582 cols.582-583.
the Lords, and the other the need to avoid the risk that a Tory Prime Minister might pick out for life peerages men and women whom he might consider to be Labour sympathisers but whom a Labour Prime Minister would not choose to do Labour’s work in the Second Chamber.’ 715

After the nominations were confirmed, Gaitskell’s tactics came under scrutiny in The Economist: while not acquiescing in the Act, the Labour leader had ‘certainly in no way helped to raise the prestige or authority of the Lords, but ensured that, so long as the House of Lords exists, the work of the Labour party shall be more efficiently done there.’ 716 The Labour leader had also been concerned that prospective party peers would be discouraged from joining the Lords because of other employment or for financial reasons: expenses (three guineas per sitting) were a recent innovation, and he complained that the forthcoming reform did not deal with the subject of remuneration. 717 Gaitskell’s minimalism, then, was an odd mirror-image of his opponent’s. Macmillan, for his part, felt a condescending glee about Gaitskell’s dilemma: ‘After all the Socialist protestations regarding life peers -- they would never touch it, etc., etc. -- he ... produced five or six nominations!’ 718

In fact, the Labour leader conscientiously weighed up his selections, and then insisted to the nominees that they would be working peers. Although he might have favoured a different kind of reform --‘Norwegian-type’, in his biographer’s words, ‘with party strengths in the upper house kept proportional to those in the lower’ -- Gaitskell effectively accepted the Conservatives’ model of the House of Lords. 719

716 ‘Fourteen Lifers’. The Economist, 26.7.1958
717 HC Deb 12 February 1958 Vol 582 col. 416.
718 Macmillan, Riding the Storm., p.731.
In blandest prose, one of the brief lines of the Act ran: ‘A life peerage may be conferred... on a woman.’ 720 So, the Upper House was opened up to members of the half of the national population which had previously been barred. However, as Mari Takayanagi points out, there was still not a technical gender equality because of the continued exclusion (until 1963) of hereditary peers. 721 Poignantly, a few days before the announcement of the new life peers came news of the death of Lady Rhondda -- who in the 1920s had fought and lost a strenuous battle for women hereditary peers (as in her own case) to take their seats.

Regardless of the admission of women, there was a somewhat tepid reaction in the press to the announcement of the first batch of life peers. Fourteen names appeared on the list. Then, as now, the Prime Minister’s role as the dispenser of patronage (on behalf of the monarch) was foremost. ‘The list...makes history without unduly disturbing it’, declared the Daily Telegraph with a disdainful note. 722 For observers, expecting new blood in the Upper House, this new intake did not seem like a radical change.

Despite this lack of excitement, a closer view of the first appointments is instructive, particularly the women peers. (Macmillan, in a revealing aside, patronisingly referred to the new intake as ‘like day boys’.) 723 Biographical details point to some of the values which were accorded official credit: above all, public duty, on the threshold between aristocratic and ‘meritocratic’ notions of that term.

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723 Thorpe, Macmillan, p.64.
Among the new peers, the best-known name by far was that of the outspoken Conservative MP, Sir Robert Boothby. Never a minister, Boothby had turned his rebel status in the party into a badge of celebrity. Defiantly against the Suez invasion, he attracted strong criticism from within his own constituency association. In his account, Boothby (reputedly, the long-term intimate of Macmillan’s wife, Lady Dorothy) relates how the Prime Minister offered him the opportunity:

‘You can be the last of the old, or the first of the new.’ He had no doubt which I should choose, and nor had I.’ 724 Writing to Boothby, Macmillan emphasized the advantages of life in the Upper House over the Commons’ routine. ‘We never seem to have anything except the great pressure of business and very few general debates.’ 725 With partial accuracy at any rate, a journalistic observer of Macmillan as Prime Minister underlined how he was ‘capable of detachment from party dogma, doctrine and prejudice.’ 726

Macmillan’s respect for Scottish grandees was reflected in another of his appointments, Dame Katharine Elliot. The widow of the veteran centrist Conservative politician, Sir Walter Elliot, she had contested and lost his vacant parliamentary seat, Glasgow Kelvingrove, at a by-election earlier in 1958. Elliot met his wife in the early-1930s at the social salon that she hosted at her home in Lord North Street, Westminster. 727 Among her other guests was the earnest dissident backbencher,

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725 Robert Rhodes James, Bob Boothby: A Portrait (1991), p.390. One line of gossip insinuated that Boothby’s elevation was a sign of his leader’s ‘disesteem’ for the Lords! Horne, Macmillan Vol. II, p.83. Macmillan advised Boothby to leave the party on his arrival in the Lords, sitting instead as a cross-bencher. Was this an example of Macmillan’s guilefulness, using the opportunity to offload a troublesome colleague? Or did he retain a regard for Boothby as a free-thinker, even as he himself had to steer policies against protesting rearguard Conservatives?
Harold Macmillan.

She hailed from the wealthy and well-connected Anglo-Scottish Tennant family. (Margot Asquith was her – much older – half-sister.) Having studied political theory at the London School of Economics, under Harold Laski and William Beveridge, she retained some of her original Liberal instincts, as a passionate opponent of the death penalty; also, in paternalistic vein, closely involved in prison reform and international affairs; in the 1950s, she was a U.K. delegate to the United Nations General Assembly in New York. As a member of an all-party committee on prisons, she carried out her role in the manner of an unofficial inspector. According to her obituarist: ‘Characteristically, with demonic energy, she visited virtually every large prison in the United Kingdom and made her discontent known to legislators, High Court judges and all her enormous range of influential friends.’

Since the introduction of life peers, political widowhood has sometimes served as a basis for membership of the House of Lords, both as a posthumous tribute to a husband, and an honour for a woman in her own right, who might then contribute to public life. So, among those elevated were Clementine Churchill, Dora Gaitskell and Eve Macleod (widow of leading Conservative minister, Iain, and herself another dedicated figure in the voluntary sector).

In 1958, the newly styled Baroness Swanborough was also a political widow and pioneer of voluntary services. She had been married to the Marquess of

728 ‘Lady Elliot’: Obituary. The Independent, 5.1.1994. Lady Elliot could claim to be the first ever [non-monarchical] female speaker in the Upper House. Another parliamentary achievement was that she collaborated with the newly elected Conservative MP, Margaret Thatcher -- the first female duo to do so -- in piloting through both Houses (in 1959-1960) backbench legislation which would open local government committees to the public.
Reading, who, in a distinguished legal and political career, reached the positions of Lord Chief Justice and Viceroy of India. After his death in 1935, the dowager Lady Reading devised and founded the Women’s Voluntary Service (later granted royal patronage) as an organisation integral to civil defence during the Second World War, helping civilian victims of enemy bombing and marshalling evacuees. 729

Baroness Ravensdale, formerly Irene Curzon, had, more than thirty years earlier, inherited her father, Lord Curzon’s title because it had been awarded with the prerogative of female succession, a ‘remainder’. (Curzon had three daughters and no sons; he graduated through the stratified ranks of the nobility, holding a barony, earldom and marquessate.) 730 Previously unable, as a woman, to sit in the House, she now benefited from a life peerage. Her involvement in public life belongs to that distinctive strand of female aristocratic service to the community.

K. D. Reynolds has detailed how in the Victorian period women from an upper-class background were involved in local patronage and welfare: as ‘members of a politically effective, socially dominant, economically superior aristocracy, women had a series of roles and functions which gave content and meaning to their lives,

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729 In a later, highly positive judgement of the WVS, Lord Windlesham wrote: ‘Conformity was never encouraged. Lady Reading retained absolute power and authority in her own hands, yet she was convinced that the strength of voluntary service lay in the character of each volunteer. She saw to it that individual initiative counted for more than regimentation, even in the matter of the strikingly different angles at which WVS hats were worn. Churchill was disapproving, but Lady Reading was unrepentant.’ Windlesham, ‘Lady Swanborough’, ODNB.
730 Ironically, during the course of his career, Curzon had been President of the National League for Opposing Woman Suffrage. But he also proved to be amenable to the notion of radical Lords reform. Chairing a Cabinet committee on the subject, in 1921-1922, his report (never enacted) set out guidelines for a radical reduction in the numbers of hereditary peers and the appointment of limited-term peers. See ‘Scheme For Reform of the House of Lords’. Curzon Memorandum, 14.6.1922. TNA CAB/ 24/137/39.
and in which they appear to have found personal fulfilment’. By the mid-twentieth century, this paternalistic example was no longer common. Irene Curzon first visited a boys’ club in the East End of London in 1917, donating a billiard table. This became a lifelong activity, with honorary leadership of the national youth club movement; interest in music and world religious faiths also drew her into philanthropic ventures.

Now, as Baroness Ravensdale -- a woman described as having ‘manifest intensity of feeling and conviction’ -- she used the platform of the Lords to campaign for some of her favourite causes. The themes of ‘voluntarism’ and paternalistic concern ran through her speeches there. She vehemently opposed the Conservative Government’s Street Offences Bill in 1960, because, she argued, it unfairly and disproportionately punished prostitutes. Her commitment to finding practical solutions to practical problems, such as juvenile delinquency and the sex trade, demonstrated a no-nonsense approach. Indeed, on her original appointment to the Upper House, she was quoted as having said that peers were like “a drowsy lot of flies in a very hot room” ; in her own view, she ‘would be regarded “as an excited bluebottle coming in to disturb their sleep” ’. A single peer’s ability to transform the atmosphere may have been exaggerated, yet, in the vanguard of different types of new peers over subsequent years, this woman (who also happened to have hereditary credentials) was a link between two eras of social welfare: locally

733 HL Deb 05 May 1959. Vol. 216 col.103.
organised, community provision and, latterly, the greater intervention of the state. 735

Macmillan personally combined a modernizing instinct with a traditional one. It was fitting that in the limited reform and even more limited ‘feminising’ of the House of Lords he should favour these champions of voluntary service -- even more so, because none was strongly identified in the partisan sense with the Conservatives.

The fourth woman life peer was the Labour Party nominee, Barbara Wootton. She differed from the others, in having had a conventional education: after studying economics at Cambridge University, she later taught, branching out into the new discipline of social sciences, and specialised in questions of criminality and penal law -- which, in the 1950s, were common talking-points. In his biographical essay on her, A.H. Halsey stressed the ‘illogicality of a gifted woman’s place in her society.’ 736 Lady Wootton was the first woman to sit on the Woolsack, as a deputy Speaker of the Lords, but remained a sceptic about the institution, describing it as ‘totally indefensible’ in a democratic society. She set out the factors that were pertinent both before and after 1958:

... this anomalous institution still exercises a modicum of both power and influence. So long as it does so, it seems highly undesirable that it should be confined to one sex and swamped by one political party (and that the wrong one). Yet the revivifying effect of a more balanced membership and a more enlightened attitude may only result in perpetuating the existence of an institution otherwise very properly destined to fade softly and suddenly away’. 737

735 In the ideological sense, civil society has never really been a clear-cut idea, as José Harris argues: ‘Civil society as it was understood in Britain was never a pure form, but coexisted at different times and in different ways with many other forms of social organization and identity, based on such factors as family, ethnicity, gender, locality, inheritance, patriotism, and religious belief.’ Harris, ‘Introduction: Civil Society in British History: Paradigm or Peculiarity?’, in Harris (ed), Civil Society in British History: Ideas, Identities, Institutions (Oxford, 2005), pp.8-9.

736 A.H. Halsey, ‘Lady Wootton’, ODNB.

737 Barbara Wootton, In A World I Never Made (1967), p.188.
Also among the new peers was Lord Fraser of Lonsdale, a former Conservative MP, blinded in action during the First World War, and long-term chairman of the St. Dunstan’s centre for blinded servicemen; Lord Geddes, of the Post Office Workers’ trade union; Lord Shackleton, son of the Polar explorer, and future Lords Leader; and the former colonial governor, whose title captured a hybrid spirit in its last throes, Lord Twining of Tanganyika and of Godalming.

Besides the obvious gender consideration, the peers under the new dispensation were not markedly different from those of the previous generation who happened to be awarded hereditary titles, either with or without male heirs. Over the next few years, distinguished figures, such as the academic economist, Lionel Robbins and the industrialist and public servant, Edwin Plowden, received life baronies. Yet, although more modern and meritocratic in terms of a public image, this did not represent a sweeping overall change: several (mainly retired Cabinet ministers) continued, until 1964, to be given hereditary titles. The distinctions and gradations in peerage status were also evident: for example, in 1959, the head of the eponymous car manufacturing company, Sir William Rootes, received a hereditary title, which was passed on to the next generation.

So, the official ethos of life peerage reform appeared somewhat ambiguous – even slightly timid. despite the way that it might have helped to offset extreme caricature views of a reactionary unelected House. Was it based in the progressive

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738 These appointments summon up what Keynes said, before receiving his peerage: ‘Class war will find me on the side of the educated bourgeoisie’. John Maynard Keynes, Essays in Persuasion (1932), p.324.
sense on merit, with a professional profile, or on age-old customs of patronage? Would the new element in the chamber promote higher standards of legislative activity or be at the receiving-end of honours for worthy citizenship and consolation prizes for superannuated politicians?

In November 1958, the State opening of Parliament was televised for the first time: a means of making the pageantry in the Upper House more accessible, if not actually demystifying it. As the new peers took their seats, Macmillan was obliged to make minor changes to his government. Lord Mancroft, a well-regarded junior minister, resigned (saying that he needed to earn more than his ministerial salary of £3,750 a year). A leader-writer noted wryly:

If he had not inherited a peerage he might have expected to have gone further in politics. By contrast, the Earl of Dundee, the Hereditary Royal Standard Bearer, who replaces him as chief spokesman for domestic departments in the Lords, once sat in the Commons as plain Mr Scrymgeour-Wedderburn, but devoted large amounts of time and treasure to reviving a title which had been dormant since 1668. 739

Contained within those lines are various themes of the moment: the detachment of the 'old' aristocracy from active political involvement -- though Mancroft was only a second-generation baron -- and the persistence of a social premium in the Peerage. The 1958 reform did studiously avoid any tampering with the hereditary component in the Lords. By resisting external pressure (from Anthony Wedgwood Benn) and internal (Hailsham) to allow the right to disclaim peerages, the Government stored up a constitutional problem over the next five years. Eventually, after stonewalling, another reform -- which, as a by-product, allowed Home to become Prime Minister -- was conceded: the 1963 Peerage Act. In practice,

however, only a few individuals renounced their seats in the Lords.

Unlike the 1911 Parliament Act, which sought to resolve the deadlock between the Commons and the Lords by reducing the latter’s powers, the 1958 legislation was presented in deliberately low-key manner. Although it sparked a certain amount of controversy, there was no stand-off between the two Houses. Given the protracted failure to bring about thorough reform of the Upper House over the course of decades, the 1958 Act did represent a milestone. As Home put it when he moved the Third Reading of the Life Peerages Bill: ‘This is the first time in fifty years that your Lordships have been able to make any progress at all on this vexed question of reform. This Bill is by no means the end of the story, but I hope that it is a significant stage in our evolution.’

So, a landed Conservative aristocrat -- who later disclaimed his peerage in order to become Prime Minister -- celebrated a landmark change in the status of the House of Lords, after the long-running and intractable problems in finding a working solution. Tory pragmatism had triumphed over the forces of inertia and low-level hostility from both ends of the political spectrum. Macmillan had also, incidentally, exposed the insubstantial power of a Cecil, outfacing that Conservative grandee, and so consolidating his own authority.

In looking at the discussions of constitutional reform during the 1950s, there is a noticeable national insularity. For all the emphasis on class, history and the

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running of this parliamentary institution, the issue of bicameralism did not seem to inspire too many comparisons with other states. From the U.S.A. to Japan, a two-chamber parliamentary system has been common, though, in 1950, New Zealand, a Commonwealth member, scrapped its Upper House. But underlying the debate over Life Peerage reform was an assumption about the centrality of the Westminster model.

While the concurrent process of decolonisation occupied policy-makers, there was a parallel with Lords reform. Sir Ivor Jennings, the leading architect of post-colonial constitutions, contemplating the embryonic New Commonwealth in 1958, argued that ‘the British people are making revolutionary changes by Acts of Parliament which say much less than they imply, or can imply’. 741

Of course, the Life Peerages Act was less far-reaching in scope than the granting of independence to former colonies. But it did, as a statute, say much less than it implied -- probably also because the government itself had limited ambitions for it. Charles Williams (himself a life peer) acknowledges in his biography of Macmillan: ‘although nobody at the time seemed to realise the implications, the Life Peerages Act was the most striking -- and certainly most revolutionary – constitutional enactment of the Macmillan Government. Over the course of time, as would become evident, the Act, when fully implemented, would change the whole complexion of the House of Lords.’ 742

'Revolutionary' would be an overblown verdict on the Life Peerages Act, but its effects have been long-lasting in their own way. Emerging as a customised measure for the purposes, neither radical nor conservative, several years' worth of consideration and lobbying and parleying lay behind it. Yet it lacked a systematic master-plan. It was piecemeal, but maybe more persuasive and effective as a result: a means of shoring up the reputation, if not the actual existence of the Upper House, giving it some necessary operational steam and, despite divisive rhetoric, gaining the long-term participation of the major parties and new generations of independent-minded peers, predominantly non-aristocratic.

The most emphatic coda to the story of Lords reform in the mid-century came, appropriately enough, from Macmillan himself – setting the tone for his biographer’s view, cited above. Many years later (two decades after leaving office), he accepted the honour of an (hereditary) earldom. At the age of ninety, he made his maiden speech in the House of Lords, acknowledging the ‘extraordinary changes’ in Parliament during his absence, which had ‘overcome’ him. Throughout his active political career, he said, ‘your Lordships’ House played an honoured but not a very powerful role in our politics.’ Now, to Macmillan’s ‘amazement’, the Lords’ active role and character – more eminence and gravitas than actual power -- was enhanced, partly due to his own Government’s introduction of life peers, which in his retrospective judgement of 1984 ’strengthened and widened’ the House of Lords.743

CONCLUSION

The running theme behind this thesis, of an ‘irrational’ but workable Upper House in the 1950s, draws on a particular approach to the writing of parliamentary history. An understanding of both the institutional scale and the human make-up of the Lords can be combined. Similarly, Andrew Adonis’ distinction (applied to an earlier period) between a parliamentary body where ‘politics, elites and interests converge’ and where its members congregate should not impose a mutually exclusive way (‘either/or’) of envisioning the Lords.744

Indeed, the study of ‘high politics’ can follow inclusive methods and take biographical details, ‘parliamentary personality’, expressed opinions, statecraft and constitutional discourse all into its sweep. Parliamentarians both converge and congregate; their exchanges inform the workings of the legislature. In the case of the Lords in the 1950s, its distinctive temper and blend of membership, as well as how it might adapt, are the main subjects here. There is no set formula with which to explain how this landmark body survived, as part of the much-vaunted ‘Westminster Model’. However, the framework for interpreting resilient bicameralism goes beyond simply tracing the multiple schemes that attempted to remodel the membership of the historic Upper House.

After 1911, constitutional norms for the Lords had changed, of course: at times, there was a wavering assurance about its role following the curbing of its powers. While the House of Commons, with its universal franchise, was broadly

744 Adonis, Making Aristocracy Work, p.7.
regarded as pivotal to the political process, the Lords -- because of its non-elected, hereditary make-up and sparse attendance -- needed a new definition, less traditionally aristocratic, more ‘professional’ and ‘meritocratic’. The rejuvenated monarchy, enjoying its Coronation aura, possibly left the Upper House in a less than flattering contrast. Viscount Bryce’s earlier visualization of its membership—bolstered by ‘moral authority’ -- and constitutional role suggested a chamber with greater senatorial qualities than the continuing traditional part of its make-up could muster.

Yet, the thesis shows how negative portrayals – of a powerless, or even inert, House – fail to grasp the (admittedly uneven) capacity for renewed authority and legitimacy. This renewal was based on the contributions of many hereditary peers themselves, even before the Life Peerages Act, as well as on how that particular reform was constructed – and how it led towards further gradual and piecemeal reforms in subsequent decades.

The glimpses of a ‘moral parliament’ at work, a forum of individual authority and high-minded opinion, do reinforce the deliberative rationale of the Lords. For stalwart defenders, like Lord Salisbury at the height of his power and prestige in government, there was a notion of a Council of State, rising above the fray of party politics. Although a fanciful conceit for a formally re-established second chamber in the political and constitutional conditions of the time, this conciliar and senatorial aspect of the Upper House was discernible. Debates on – in the loosest definition – ‘issues of conscience’ best illustrate this capacity. The chamber might transform itself into a rotating platform, by turns symposium and soapbox. Speakers offered (mostly) thoughtful and sometimes authoritative contributions. Their overall
tendency, towards a form of rational argument, seemed to set standards of reasonableness in extended discussion. This also pointed the way forward for peers of the next generation to advance their own critical, forensic style of deliberation. Over capital punishment, say, when the Lords resisted a liberalization of the law, it can be said that the issue was still bound by ‘emotionalism’; also, the ‘backwoodsmen’ gave a rearguard bias to the vote. But it was clear, too, that parliamentary opinion under the surface was gradually shifting.

In due course, the evolving culture of a new life peerage and (in 1999) the exclusion of most hereditary peers made for the biggest change in the Lords’ party make-up: the end of overwhelming Conservative dominance and the burgeoning of a confident cross-bencher element. (At the time of writing, cross-bench peers account for almost one-quarter of the total.) 745 The latter contingent personifies an idea of expertise which was valued well before the introduction of life peerages – signifying consolidation and development within the Lords through the twentieth century.

The arrival of life peerages in 1958 was seen in different lights: as another stage in the long series of gradual reforms demonstrating the British Constitution’s ‘genius’ for adaptability; as ‘a device resorted to in a desperate attempt to rouse the House of Lords from the coma into which it ... appeared to be rapidly sinking’; 746 even an unjustified and misconceived measure, according to Enoch Powell, a strident Conservative critic, who saw a threat to constitutional integrity; or, in terms of electoral politics and affairs beyond the Palace of Westminster, as a near-irrelevance, not registering as an issue when people actually cast their votes.

746 Harry Hopkins, The New Look: A Social History of the Forties and Fifties in Britain (1963), p.297. In a jaundiced view, there is a glancing reference in the same sentence to ‘that guilty contradiction, the Life Peer’.
It was Conservative politicians -- many of them apathetic towards constitutional change -- who accepted that the Upper House needed a transfusion in order to enliven it. But the specific options towards that end were not necessarily straightforward. As had been evident over the course of decades, a Conservative government would be constrained by calculations of how much political capital was needed in order to bring about Lords reform.

Without a fuller reading of the Lords in the pre-reform period, there is a risk that its development as a body over the second half of the twentieth century might be misunderstood, emerging out of what is dismissed as a moribund phase. A Whig historical perspective of constitutional progress and greater efficiency can have distorting effects. However, weaker party loyalties than in the Commons, combined with a greater tendency to voice independent-minded opinions, allowed for sometimes robust Upper House debates during the 1950s. Paradoxically, it was the exercise of conservative (with a small 'c') views which helped to galvanise the chamber in exchanges over the introduction of commercial television and the future of capital punishment; Conservative governments were discomfited by this outer flank, broadly traditionalist.

We can see, also, that the constitution itself was by no means immutable or fixed; sometimes bitter disagreements gave it a ‘political’, contentious hue. By looking at how contemporary observers visualised the Upper House, the perceived deficiencies become absorbed into a bigger argument over what it should or should not be doing, as well as who or what it might be representing. Bicameralism may have been axiomatic, but worries about the Lords’ possible inanition or abolition left its specific identity without secure moorings. Discussions about how to reform the
chamber would follow on from the scrutiny of the Upper House’s make-up, deliberative role and rationale. This thesis has attempted a retrospective analysis along similar lines, with the aim also of illuminating a collective ‘parliamentary personality’ in the 1950s, a decade which has, mainly, lacked historiographical attention at this particular level.

Harold Macmillan, in his later memoirs, described the 1958 Life Peerages Act as a ‘modest constitutional reform’. 747 As if to emphasise its modesty, the Prime Minister whose government introduced it found only a small space for Lords reform in the book surveying his early period in office, within the larger account of a Cold War statesman trying to use high-level diplomacy to bridge the superpower divide and avert nuclear confrontation. Yet Macmillan appears to take some pride in the fact that this ‘modest’ measure has had important results. ‘Undoubtedly the powers and prestige of the House of Lords have been buttressed by the extension of its membership. Whatever the future may bring, it seems clear that the country is now persuaded of the advantages of a second chamber, even though the House of Commons may continue to be jealous of its powers and authority’. 748

As Macmillan himself hinted, more than a decade after the event, a small reform might yield bigger consequences -- as well as suggesting constitutional concerns, such as the essential relationship between Lords and Commons. Throughout, the popular chamber, elected for a five-year term, would resist any tendency by the Upper House to outflank it as an interpreter of the democratic will. Overall, the choice of limited reform as a means of preserving the Lords was vindicated. In its lasting effect, the authors of the major constitutional textbook on Parliament – writing in 1989 – judged that the 'new breed' of peers had ‘helped to ensure that the traditions and courtesies of the House have been maintained’. The import of the reform is concisely summed-up:

748 Ibid.
It allowed men and women to accept a peerage without burdening their heirs with a title ... Life Peers have transformed the House. Instead of a House consisting predominantly of landowners and retired politicians (with a sprinkling of lawyers and bishops), the range of occupations and interests has been vastly increased'.

The measure was certainly modest in its legislative form and anodyne in wording: effectively, just three short clauses, allowing for the monarch to appoint peers with the rank of barons to sit and vote in the chamber for their own lifetime, without hereditary rights; women could also receive this patronage, so taking seats there for the first time. Significantly, the hereditary peers remained in place – and did so by right until the later incremental reform, in 1999, though Anthony Wedgwood Benn’s lengthy campaign to allow for the disclaiming of a peerage succeeded (in 1963) in changing the law. But, as a capricious twist, several new hereditary peers were appointed in the years following 1958, among the majority of life peerage creations. The reform did not end hierarchical gradations within the Lords.

Emerging as a customised measure for the purposes, the Life Peerages Act broke loose from the intensive preparation, the minute details of research and lobbying that preceded it. Neither apparently radical nor a mere endorsement of the existing chamber, it lacked a systematic master-plan. Instead, it offered piecemeal change, but was maybe more persuasive and effective as a result: a means of shoring up the legitimacy of the Upper House, giving it some necessary operational steam and, despite divisive rhetoric, gaining the long-term participation of the major parties. For the sake of constitutional efficiency, Home, Salisbury’s successor as Leader of the Lords, recommended the package to peers. 750

Both major parties, for their own reasons, were content with a minimalist measure. The test of success for Life Peerage reform was whether the Upper House could continue to function and become more ‘professional’, or ‘meritocratic’, than

750 HL Deb 03 December 1957 Vol 206 col.610.
aristocratic in the traditional sense. Even a stern Tory opponent of reform, such as Enoch Powell, fully embraced the professional profile of what was slowly becoming a post-aristocratic Upper House through its more recent appointments: ‘the variety, the width and the scope of the interests which those creations cover -- science and the arts, the professions, medicine, the law, agriculture, the Press, the trade unions, the Services, both fighting and civil, industry, trade and commerce in every branch’. \(^{751}\)

Since 1958, there has been a generally affirmative view about the House of Lords’ membership and its constitutional performance -- as a forum for debate and as a revising chamber for draft legislation -- though the bid for more comprehensive reform has not disappeared. Meanwhile, in line with earlier failures of reform, the more ambitious proposals and options tabled under later Labour governments, in the late-1960s and early-2000s (as well as the Liberal Democrat attempt during the coalition government, in 2012), came to nothing. \(^{752}\) These plans perished because of opposition from MPs. Democratic legitimacy is still lacking, and, beyond the changes so far, a fully rational remodelling of the Lords would still depend on a consensus which remains elusive. Ultimately, if further Lords reform were to materialise, it would be the Commons which would need, as a prerequisite, to give its approval and, indeed, shape the Upper House.

Discontent and criticism have rumbled on – again, within a limited political and constitution-minded class. The piecemeal reforms have not satisfied everyone. Soon after the Life Peerages Act was passed, it was the relatively new Liberal Party leader, Jo Grimond, who made the hardest-hitting attack on what he painted as a

\(^{751}\) HC Deb 12 February 1958 Vol 582 col. 441.

harmful and retrograde system of official patronage. An advocate of more general constitutional reform, he used the House of Lords -- life peers, notwithstanding -- as a symbol of the lack of overall modernisation: ‘Why, to enable us to have a Second Chamber, do we have to perpetuate the elaborate titles and all the absurd trappings of medieval barbarism? We make ourselves a laughing-stock’. 753

Beyond appearances, however symbolically important, there is still a need to assess the parliamentary body in the terms defined by this thesis – its membership and performance. The Lords’ deliberative role, weightier in that respect than the Commons, did not elevate it in decision-making terms, but, on the other hand, it operated above the level of merely a grand debating society. It was an authoritative (though not always dispassionate) body which the policy-makers were obliged to take into account, even when they did not necessarily defer to it. If the British Constitution, as a whole, represented ‘a virtue of collective experience and consensual expression’, in Michael Foley’s words, the Lords was one of the guarantees of such a virtue, even allowing for a certain dissonance in viewpoints expressed there. 754

The former Conservative minister, L.S. Amery, in his constitutional lectures in 1947, highlighted how and why the Lords generally could matter in parliamentary discussion of challenging topics, though he indulged an old-fashioned, stereotypical sense of Englishness:

The greater the danger of the House of Commons increasingly consisting of representatives subservient to their electors or to the party machine, the more essential is it that the House of Lords should be representative in the wider sense of embodying the typical characteristics of the nation, its individuality, its independence, its broad tolerance and love of compromise. 755

There was a contrarian, or oppositional, undertone to this display of personal

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755 Amery, Thoughts on the Constitution, p.61.
attitudes in the Lords, the ‘individuality’ perhaps corresponding to a quality which Macmillan noted in his memoirs: the obdurate stance of some Conservative peers over colonial affairs, though it might also be true of other areas of policy. He highlighted the potentially ‘troublesome’ tendencies of the Lords during a Conservative administration -- more so than were manifest towards one of the Left:

As exhausted or discarded Ministers and retired Members of the House of Commons begin to congregate in the Upper House, the combination of experience with disappointment can sometimes become formidable. Since it is a law of our imperfect nature that men must either command or obey, it requires more skill to soothe the ruffled waters caused by a sudden Conservative squall or storm than to meet day by day the more constant tides of Liberal and Labour criticism. 756

Whatever its own history or personal make-up, the Lords would almost be bound to be an irritant at times. Meg Russell has underlined: ‘Second chambers are fundamentally controversial institutions, given that they exist to question the decisions of elected governments and first chambers’.757 The gradual transfusion by retired professional politicians and, above all, nominees whose public service had marked them out for patronage – what we might describe as proto-life peers – was far from new. In that respect, perhaps the 1958 Act was symptomatic of a reinforced civic ethos, not least in laying the ground for (without actually securing) equal gender participation.

If a collective spirit had become ingrained in the Lords, enduring over subsequent decades, the seemingly minimalist ambition behind the 1958 reform proved to be beneficial. Statecraft, rather than any grand design, set the scope for

756 Macmillan, Riding the Storm, p.702. With characteristic theatrical flourish, the 90-year-old Macmillan, in his maiden speech to the Lords, would himself later deliver a stinging critique of a successor Conservative administration. HL Deb 13 December 1984 Vol.457 cols.234-241.
formal change, while ensuring that it was practicable, alongside the inner evolution of the Upper House. The introduction of life peerages was calibrated so that it appeared as a tidying-up of a few of the constitution’s loose ends, an operational improvement, a way in which ‘irrational’ elements could be made to work better.

During the period covered by this thesis, the Upper House denoted far more than a mere constitutional monument which was unsure about what might happen next. Its obvious limitations -- primarily, the constitutional subordination to the Commons -- certainly left the Lords appearing to be a historical relic in the first half of the twentieth century. Yet its true significance takes form in a more subtle picture: how change and continuity are aligned, underpinning the very survival and role of the Upper House.

Before the 1958 reform, the Lords had developed itself as a forum for personal enthusiasms and opinions; its assertiveness would be on this level, attempting to influence policy rather than pushing towards a constitutional stand-off or power contest with the elected House, as it had done before 1911. As a second chamber, its emphasis in debate was discursive, not programmatic. Ten years after the life peerage reform, the newly created Baroness Asquith (formerly Lady Violet Bonham Carter and, coincidentally, Jo Grimond’s mother-in-law) praised the House of Lords as a ‘body infused with moderation, with reason, with tolerance and with independence of mind’. 758

The continuity of a political culture in this parliamentary body, before and after

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758 HL Deb 19 November 1968 Vol.297 col.696. The pointed contrast which she made in her celebration of the Lords came from her much earlier, intimate experience of the constitutional crisis, when her father, H.H. Asquith was Prime Minister. At that time, she said, the Lords ‘was always with us, and it was always the same: a fortress of reaction, a road-block to reform, an evil monster wielding absolute power. That is how I saw it and that is what it was’. Ibid.
the arrival of life peers, was clear: civil but critical, leaning more towards personal authority and expertise than partisanship. So, what seems to be an improbable fixture in the polity has a workmanlike design despite the historical decor and indulgence in pageantry – true to the jurist, William Anson’s portrayal of the British Constitution as ‘a somewhat rambling structure ... like a house which many successive owners have altered just so far as suited their immediate wants or the fashion of the time’; ‘it bears the marks of many hands, and is convenient rather than symmetrical’. 759

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